

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.192 OF 2015

ORDER:

Heard the counsel for the petitioner, learned Government Pleader for Panchayat Raj (Telangana), Government Pleader for Revenue (Telangana) and Government Pleader for Home (Telangana).

2. The grievance of the petitioner in this Writ Petition is that subordinate officials of the 3rd respondent has seized the petitioner's vehicle viz., Goods Vehicle bearing registration No.AP 20 TA 3768, without following any procedure and that the said seizure is illegal and arbitrary.

3. It is not disputed that the seizure is governed by G.O.Ms.No.186, dated 17.12.2013, which modified the earlier Rules regulating quarrying and transportation of sand.

4. The amended Rules, notified in G.O.Ms.No.186, dated 17.12.2013 prescribe a penalty for the first and second offences and, thereafter, for the confiscation of the vehicle after following the procedure stipulated therein. Even in cases where a vehicle is sought to be confiscated, the officer who seizes the vehicle is empowered to direct its release under Rule 9-Q (6) on execution of a bond by the owner hereof for production of the vehicle so released as and when directed by the Competent Court. Proceedings for confiscation can be instituted in cases where the offences which have been committed are for three or more times.

5. In view of the amended Rule 9-Q (1) (i) and (ii), read with Rule 9-Q (6), the petitioner is permitted to submit an application to

the officer, who seized the vehicles; the said officer shall, within three days from the date of receipt of the application; examine whether the vehicles were used in committing the offence for the first and the second time; and, if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in the commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles, in accordance with Rule 9-Q (6), on a bond being executed by the owner of the vehicles for their production as and when directed by the Court.

6. The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioner; and necessary action shall be taken for release of the vehicles, in cases falling within the ambit of Rule 9-Q (1) (i), on payment of the prescribed penalty; and, in other cases, on a bond being executed in terms of Rule 9-Q (6) of the Rules. Similar order has also been passed in W.P.No.15938 of 2014 on 11.06.2014.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

M.S. RAMACHANDRA RAO,J

Date: 13.01.2015
INL/YVL