

THE HON'BLE SRI JUSTICE A.V. SESA SAI

Writ Petition No.19209 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 to 5 in seizing the petitioner vehicle bearing No.AP 9 X 3249-Goods Carriage of the petitioner without following any procedure under statutes contemplated under section 9Q Sub Section 7 of the AP Minor Mineral Concession Rules 1966 as illegal, arbitrary, high handness and against the principles of natural justice and violative of Article 14, 16, 19 (1) (g), 21, 300A and 301 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioner vehicle AP 9 X 3249-Goods Carriage to the petitioner forthwith and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.”

It is represented by the learned counsel for the petitioner that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23.02.2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioner herein to submit an application for release of the vehicle before the competent authority and the competent authority, within three days from the date of receipt of such application, examine whether the vehicle is used in committing the offence for the first and second time; and if so, consider directing release of the vehicle on payment of the prescribed penalty.

If, on the other hand, the vehicle is found to have been used in omission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicle after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15, dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicle as and when required.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date: 29.06.2015
Isn

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

-
-
-
-
-
-
-
-
-
-

Writ Petition No.19209 of 2015

-

DATE: 29.06.2015

Isn