

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26323 OF 2015

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Between:

Bangi Muni Swamy ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Prl. Secretary,
Home Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri V. Brahmaiah Chowdary

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26323 OF 2015

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ORDER:

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

“To declare the action of respondents 2 to 4 in seizing the petitioner’s vehicle bearing No. AP-21-TW-9031 AP-21-TW-9032 tractor without following any procedure known to law, as arbitrary, illegal and against the principles of natural justice and violative of Article 19 and 21 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioner’s vehicle bearing Nos. AP-21-TW 9031 and AP-21-TW-9032 to the petitioner forthwith and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. When the matter is called, the learned Government Pleader appearing for Home and Revenue have placed on record the orders of the Government, vide G.O.Ms.No.6, Industries and Commerce [Mines-IV] Department, dated 12/01/2015 wherein the State Government authorized the Revenue Divisional Officer concerned to take action under his jurisdiction to collect penalty under Rule 18 (1) (a) of G.O.Ms.No.95, Industries and Commerce Department, dated 28/8/2014 where the vehicles are found involved in illegal extraction and transportation of sand without way-bill and also to confiscate the vehicles along with sand, if the

vehicle is found to be involved in illegal extraction and transportation of sand more than two times under Rule 18 (1) (b) of the said Rules issued in G.O.Ms.No. 95, Industries and Commerce Department, dated 28/8/2014 with the assistance of Tahsildar of concerned Mandal and the Station House Officer of concerned Police Station, who shall report the offence to the Revenue Divisional Officer concerned.

3. On noticing the said G.O., a request is made by the learned counsel for the petitioner to permit the petitioner to approach the Revenue Divisional Officer for redressal of grievance of the petitioner herein.

4. In view of the above, the writ petition stands disposed of, keeping it open to the petitioner to approach the concerned authorities as per the above mentioned Rules and Government orders. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

09/09/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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