

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

MONDAY THE TWENTYFIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29756 OF 2015

Between:

Layuda Monen ... Petitioner

Vs.

The State of Telangana
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 [TG]
GP for Panchayat Raj [TG]
GP for Revenue [TG]
GP for Mines & Geology [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 29756 OF 2015

ORDER:

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

“To declare the action of the respondents in seizing the petitioners vehicle bearing No. AP-28-DN-1553 AP-28-TC-9116 tractor and trailor 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 handed and against the principles of natural justice and violative of Article 14, 16, 19 (1) (g), 21, 300-A and 301 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioner’s vehicle AP-28-DN-1553 AP-28-TC-9116 tractor and trailor to the petitioner forth with and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri V. Brahamaiah Chowdary, learned counsel for the petitioners and the learned Government Pleaders for the respondents.

3. It is represented by the learned counsel for the petitioner that in similar circumstances, this court has disposed of WP.No. 27998 of 2015 on 01/09/2015 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.

4. In view of the said representation, following the said judgment, the writ petition is disposed of, directing the petitioner herein to submit application for release of the vehicles before the competent authority and the competent authority, within three days from the date of receipt of such application, examine whether the vehicles are used in committing the offence for the first and 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 commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles 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 vehicles as and when required.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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

JUSTICE A.V.SESHA SAI

21/09/2015

ISL

HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Date:21/09/2015
Circulation No.
Court Master: I s L