

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.40785 OF 2015

DATED:16-12-2015

Between:

Ragiri Krishnaiah
and another ... Petitioners

And

The State of Telangana
Rep. by its Principal Secretary to Home Department
Secretariat Buildings
Hyderabad
and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. V. Brahmaiah Chowdary

COUNSEL FOR RESPONDENT NOs.1 and 2: A.G.P. for Home (TS)
COUNSEL FOR RESPONDENT NO.3 : A.G.P. for Mines &
Geology

(TS)
COUNSEL FOR RESPONDENT NO.4 : A.G.P. for Revenue (TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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This Writ Petition is filed for a mandamus to declare the action of the respondents in seizing the petitioners' vehicles, bearing Nos.TS 06 UA 2600 and AP 22TA 4809 respectively, on the ground that the same were used for illegal transportation of sand, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized vehicles.

The petitioners pleaded that though they have approached respondent No.2 – Station House Officer, who is the competent authority for release of the seized vehicles, with application dt.09.12.2015, the latter has not received the same. Purported copy of the application of the petitioners addressed to respondent No.2 for release of the seized vehicles has been filed as material papers.

At the hearing, it is submitted by the learned Counsel for both parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, respondent Nos.2 and 4 are competent to release the seized vehicles.

As respondent No.2 is stated to have seized the vehicles, it is appropriate that this respondent considers release of the said vehicles to the petitioners. The petitioners are permitted to make applications before respondent No.2 for release of the seized vehicles. Respondent No.2 is directed to receive the said applications, and within three days of receipt of the same, he shall consider and pass appropriate orders as per the above-mentioned G.Os., for release of the seized vehicles.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.52653 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-12-2015

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