

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4617 of 2015

Date: 26-02-2015

Between:

Dheeravath Ravindar

.... Petitioner

AND

The State of Telangana, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 3 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4617 of 2015

ORDER:

This writ petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in seizing the petitioner's HMV goods carriage bearing No.AP-09-U-7241 without following any procedure of the amended Rule 13 (3) sub-rule (1) of the Telangana State Sand Mining Rules, 2015 vide G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08-01-2015 as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the said vehicle for interim custody to the petitioner forthwith.

2. It is represented by the learned counsel for the petitioner that in similar circumstances, this Court disposed of W.P.No.3747 of 2015 on 23-02-2015 giving certain directions and that the present case is squarely covered by the said judgment, which is not disputed or denied by the learned Assistant Government

Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue and Assistant Government Pleader for Home.

3. In view of the said representation, following the ratio laid down in the said judgment, the writ petition is disposed of directing the petitioner to submit his application for release of the vehicle before the competent authority and the competent authority shall, 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 by each petitioner. If, on the other hand, the vehicle is found to have been used in commission 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 GO.Ms.No.15, dated 19-02-2015 and also on execution of bond along with an affidavit by the petitioner giving consent to produce the seized vehicle as and when required.

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

A. RAJASHEKER REDDY, J

Date: 26-02-2015

Ksn