

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19959 of 2015

Dated : 02.07.2015

Between:

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Bonda Venkata Ramana S/o.Nooki Naidu,
Aged about 48 yrs, Occu : Business,
D.No.26-15-21, Chinagantayada,
Gajuwaka, Visakhapatnam District.

.. Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary, Panchayat Raj Department,
Secretariat, Hyderabad & 3 others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19959 of 2015

ORDER :

This writ petition is filed for a *Mandamus* declaring the action of respondents in seizing the petitioner's lorry bearing No.AP 31 TB 7719 without following any procedure as illegal, arbitrary and violative of principles of natural justice and for consequential direction to respondents to release the said vehicle from their custody.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development(Andhra Pradesh) appearing for the 1st respondent, Government Pleader for Revenue(Andhra Pradesh) appearing for respondents 2 and 4 and learned Government Pleader for Home appearing for the 3rd respondent.

3. The petitioner claims to be the owner of lorry bearing No.AP 31 TB 7719. He contends that on 27.06.2015 when he was transporting the sand with valid permit, the vehicle was seized alleging that transportation of sand was made illegally. Though the driver has shown the proof of having such permit, the same was not considered and vehicle was seized.

4. Learned counsel for the petitioner submits that such action is illegal and in similar cases this Court has passed the orders.

5. In view of the submission and in view of the orders passed by this Court in W.P.Nos.4446 and 8360 of 2015, this writ petition is disposed of granting liberty to the petitioner to make appropriate application to the Tahsildar, Pendurthi Mandal/4th respondent by enclosing a copy of the transit way bill and the documents in proof of ownership. The Tahsildar shall consider the same and after satisfying with the genuineness of transit way bill and the ownership, he shall

release the vehicle forthwith. If he is not satisfied on the validity of the way bill he shall release the vehicle subject to fulfillment of the norms laid down in G.O.Ms.No.95 dated 28.08.2014 by imposing prescribed penalty provided therein and such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

02nd July, 2015
Rds

P.NAVEEN RAO,J