

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.11622 of 2015

Date: 27-04-2015

Between:

Kola Ramasuri

.... Petitioner

AND

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

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.11622 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the respondents in seizing the petitioner's tractor and trailer bearing Nos.AP-35-W-6173 and AP-35-W-3779 without following any procedure under statutes contemplated under Section 9-Q Sub Section 7 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 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. When the matter is taken up for hearing, learned counsel for the petitioner submitted that in similar circumstances, this Court disposed of W.P.No.744 of 2015 on 27-01-2015 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 Home.

3. In view of the said representation, following the ratio laid down in the said judgment, the petitioner is directed to submit a representation to the officer who seized the vehicle; the said officer shall, within three days from the date of receipt of the application, examine whether the vehicle was used in committing the offence for the first or the second time; and, if so, consider directing release of the vehicle on payment of the prescribed penalty and on bond being executed by the owner of the vehicle for its production as and when directed by the competent Court to which such seizure was reported by the Officer who seized the vehicle.

4. The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioner and necessary action shall be taken for release of the vehicle, in case falling within the ambit of Rule 18(i)(a) on payment of the prescribed penalty and also on execution of a bond in terms of Rule 18(vii) of the Rules.

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: 27-04-2015

Note: Issue C.C. tomorrow

B.O./Ksn