

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

WRIT PETITION No. 22395 of 2015

BETWEEN

Venkataiah Edula

...Petitioner

And

The State of Telangana, rep. by its Principal Secretary,
Home Department, Secretariat, Hyderabad and ors.

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 20.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. V. SESA SAI

1. Whether reports of Local newspapers
May be allowed to see the judgments?
YES/NO

2. Whether the copies of judgments may be
Marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to
See the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE A. V.SESHA SAI

WRIT PETITION No. 22395 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned Government Pleader appearing for the respondents.

This writ petition is filed for a Writ of Mandamus declaring the action of the respondents 2 to 5 in seizing the petitioner's tractor and trailer bearing Nos. AP 07 L 6373 and AP 07 L 6374 without following any procedure under statutes contemplated under Section 9Q(7) of the A.P. Minor Mineral Concession Rules, 1966 as illegal, arbitrary 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 for a consequential direction to the respondents to give interim custody of the said tractor and trailer to the petitioner forthwith.

It is represented by the learned counsel for the petitioner that in similar circumstances, this Court has disposed of W.P.No.3747 of 2015 on 23.02.2015 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.

In view of the said representation and following the said judgment, the writ petition is disposed of directing the petitioner herein to submit an application for release of the vehicle before the competent authority and the competent authority, 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. 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 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 vehicle as and when required.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous applications, if any pending in the writ petition, shall stand closed. There shall be no order as to cost.

JUSTICE A. V.SESHA SAI

DATED 20TH JULY, 2015.
Msnr_x