

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

WRIT PETITION NO. 22430 OF 2015

Between:

Kishan Degavath

...

Petitioner

V/s.

The State of Telangana'
Rep.by its Prl.Secretary
Home Department, Secretariat Buildings
Hyderabad & Ors. ...

...

Respondents

DATE OF JUDGMENT PRONOUNCED : 21/07/2015

HONOURABLE SRI JUSTICE A.V. SETHA SAI

1. Whether Reports of Local Newspapers
May be allowed to see the judgment ?

Yes/No

2. Whether the copies of judgment may be Marked to Law Reporters/Journals

Yes/No

Yes/No

TUESDAY THE TWENTYFIRST DAY OF JULY
TWO THOUSAND AND FIFTEEN

WRIT PETITION NO. 22430 OF 2015

Kishan Degavath

...

V/s.

...

Respondents

Sri V.Brahmaiah Chowdary

GP for Home [TG]
GP for PRBRD [TG]
GP for Revenue
GP for Mines & Geology

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 22430 OF 2015

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ORDER:

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This writ petition is filed for a writ of mandamus declaring the action of the respondents in seizing the petitioner's vehicle bearing No.AP-24-Y-7384 [Goods Carriage] 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 vehicle to the petitioner forthwith.

2. It is represented by the learned counsel for the petitioner that in similar circumstances, this court has disposed of WP.No. 18763 of 2015 on 25/6/2015 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.

3. In view of the said representation, following the said judgment, the writ petition is disposed of directing the petitioner herein to submit 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 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.

4. Accordingly, the writ petition is disposed of.

5. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed. There shall be no

order as to costs.

JUSTICE A.V.SESHA SAI

21/07/2015
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HONOURABLE SRI JUSTICE A.V. SESA SAI

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