

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5430 OF 2015

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ORDER:

This Writ Petition is seeking a writ of mandamus declaring the action of the 4th respondent in seizing and detaining the petitioners Tractors and Trailors bearing Nos.TS 02UA 0992 and AP 03W 3507, TS 02UA 2935 and TS 02UA 2934 and AP 24Q 6787 and AP 24Q 6788, respectively, without following any procedure contemplated under Section 9Q sub-section (7) of the Andhra Pradesh Minor Mineral Concession Rules 1966, as illegal and arbitrary and consequently to direct the respondents to release the said vehicles.

It is represented by the learned counsel for the petitioners that in similar circumstances, this Court disposed of W.P.No.3754 of 2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Government Pleader for Panchayat Raj, learned Government Pleader for Transport, learned Government Pleader for Revenue and learned Government Pleader for Home.

In view of the said representation and following the said judgment, this Writ Petition is disposed of directing the petitioners to submit applications for release of their vehicles before the competent authority and the competent authority, within three days from the date of receipt of such applications, examine whether the vehicles are used in committing the offence for the first and second time; and if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in commission of the

offence,

for three or more times, the Officer concerned shall consider directing release of the vehicles after deposit of amount in accordance with Rule 12 of G.O.Ms.No.15, dated 19.02.2015, and also on execution of bonds along with affidavits giving consent to produce the seized vehicles as and when required. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

A.RAJASHEKER REDDY, J

04.03.2015

Note:- Issue C.C. in three days.

(B/o)

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