

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8993 of 2015

Date: 02.04.2015

Between:

Patnapu Jangaiah

.... Petitioner

AND

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

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8993 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the respondents in seizing the petitioner's tractor bearing No.AP-21-TU-9412 and Trailer Chasis No.MBNR SVAI 910, 2013-14 without following any procedure as contemplated under the law as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents 2 to 4 to release the said vehicle by collecting penalty as per rules.

2. The case of the petitioner is that he is owner of the tractor bearing No.AP-21-TU-9412 and Trailer Chasis No.MBNR SVAI 910, 2013-14 and using the same for commercial purpose with relevant permissions from the concerned authorities. It is stated that on 31.01.2015, the 3rd respondent seized the tractor-trailer of the petitioner on the ground of transporting illegal sand through the said vehicle though having permits from concerned authorities.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj, for respondent No.1, Government Pleader for Mines and Geology, for respondent No.2, learned Government Pleader for Revenue, for respondent No.3 and learned Government Pleader for Home, for respondent No.4.

4. At the time of hearing, it is stated by the learned counsel for the petitioner that in similar circumstances, this Court disposed of Writ Petition No.7088 of 2015 and the same is not disputed by the learned Government Pleaders for respondents 1 to 4.

5. Hence, this writ petition is also disposed of in terms of the order dated 18.03.2015 in W.P.No.7088 of 2015, directing the petitioner to submit an application for release of the vehicles before the competent authority and the competent authority shall, within three days from the date of receipt of such application, 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 GO.Ms.No.15 dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicles as and when required. 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:02.04.2015

Rns

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8993 OF 2015

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Rns