

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.40263 of 2015

Date : 11-12-2015

Between :

Satyanarayana Talari
and another
Petitioners

..

And

The State of Telangana,
Represented by its Principal Secretary,
Panchayat Raj & Rural Development
Department, Secretariat, Hyderabad
and others
Respondents

..

Counsel for petitioner : Mr. P. Sriharinath

Counsel for respondent Nos.1 & 4 : Assistant Government
Pleader

for Panchayat Raj

Counsel for respondent No.2: Assistant Government
Pleader for Home

Counsel for respondent No.3 : Assistant Government Pleader for
Revenue

The Court made the following:

ORDER:

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This Writ Petition is filed for a mandamus to declare the action of respondent No.2 in seizing lorries bearing registration Nos.AP-29-TA-4329 and TS-07-UA-4469 as illegal and arbitrary.

The petitioners pleaded that the above mentioned lorries belonging to them were being used for transportation of sand under permits; that on 2-10-2015 when the lorries were proceeding from Patancheru to Sangareddy with loads of sand, they were intercepted and checked by the Revenue Inspector, Patancheru; and that respondent No.2 has seized the same. The petitioners pleaded that Crime No.306 of 2015 was registered in this regard and that in the remand report filed by respondent No.2, the registration number of lorry bearing No.TS-07-UA -4469 was wrongly mentioned as AP-28-UA-4469.

Be that as it may, the grievance of the petitioners is that when they sought to make a representation for release

of the lorries, respondent No.2 has refused to receive the same. The petitioners have therefore sought for a mandamus to direct respondent No.2 to release the lorries in terms of G.O.Ms.No.3, Industries & Commerce (Mines-1) Department, dated 8-1-2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19-2-2015.

The learned Assistant Government Pleader for Home (TS), on instructions, submitted that though the Crime has been registered, respondent No.2 has not produced the seized lorries so far before the jurisdictional Magistrate. He has further submitted that if a representation is made by the petitioners, respondent No.2 will receive and consider the same in accordance with the above mentioned G.Os. for release of the lorries.

In the light of the above noted submissions of the learned Assistant Government Pleader, the petitioners are permitted to make applications before respondent No.2 for release of the lorries. Respondent No.2 shall consider the applications of the petitioners, including the plea of petitioner No.2 that registration number of lorry bearing No.TS-07-UA-4469 was wrongly mentioned and rectify the same if the said plea is found correct. Respondent No.2 shall pass appropriate orders on the applications filed by the petitioners for release of the lorries within one week from the date of receipt of such applications.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to the disposal of the Writ Petition, WPMP No.51980 of 2015 filed for interim relief is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 11-12-2015

AM