

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.42101 of 2015

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Date: 29.12.2015

Between:

Boya Naganna

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Petitioner

and

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

.. Respondents

Counsel for the petitioner: Mr.K.Laxmaiah
for Mr.V.Brahmaiah
Chowdary

Counsel for respondent Nos.1 & 2: AGP for Home (TS)

Counsel for respondent No.3: AGP for Mines &
Geology (TS)

Counsel for respondent No.4: AGP for Revenue (TS)

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.2 in seizing the petitioner's tractor and trailer bearing registration Nos.TS 06 EB 1423 and AP 21 TU 8056, on the ground that the same was used for illegal transportation of sand, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized vehicle.

The petitioner pleaded that he has made an application, dated 19.12.2015, to respondent No.2, who is the competent authority, for release of the seized vehicle. The petitioner's grievance is that no action has been taken by respondent No.2 on his application so far.

At the hearing, it is submitted by the learned Counsel for both parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department,

dated 19.02.2015, respondent No.2, who is stated to have seized the vehicle, is competent to release the same.

However, the learned Assistant Government Pleader for Home (TS) has pointed out that the purported agreement of sale, under which the petitioner is claiming title over the seized tractor and trailer, is not proper and that the petitioner does not appear to be the true owner of the seized tractor and trailer.

At this stage, it is not necessary for this Court to render a finding on the above aspect. However, respondent No.2 shall be free to examine this aspect and release the seized tractor and trailer provided he is satisfied with the ownership of the petitioner. Since the petitioner has already submitted his application for release of the seized vehicle before respondent No.2 on 19.12.2015, the latter is directed to consider the same, if received, and pass appropriate order thereon as per the aforementioned G.Os., within a period of one week from the date of receipt of this order.

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

As a sequel to disposal of the Writ Petition,
W.P.M.P.No.54307 of 2015, filed by the petitioner
for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th December, 2015
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