

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13893 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 4 & 5 in seizing the petitioner's Goods carriage vehicle bearing No. AP 12UA 1278 without following any procedure under statutes contemplated under Section 9Q, Sub Section 7 of the A.P.Minor Mineral Concession Rules 1966, as illegal and arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicle to the petitioner forthwith.

It is represented by the learned counsel for the petitioner that in similar circumstances, this Court has disposed of W.P.No.4068 of 2015 on 25.02.2015 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.

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

Accordingly, the writ petition is disposed of. 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

01.05.2015

kvs.

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Date: 01.05.2015

kvs