

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.34520 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the 2nd and 3rd respondents in seizing petitioner's vehicle HMV (Goods Carriage) bearing No.AP 22 TA 2979 as being illegal and arbitrary; and consequently to direct the respondents to release the above mentioned vehicle to the petitioner.

2. Heard Sri Janardhana Reddy Ponaka, learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj (Telangana) representing the first respondent, learned Government Pleader for Revenue (Telangana), representing the second respondent and the learned Government Pleader for Home (Telangana) representing the third respondent.

3. The petitioner claims that he is the owner of the goods carriage bearing No.AP 22 TA 2979. A perusal of the record reveals that the vehicle of the petitioner was intercepted by the police and revenue authority on 01.10.2016 alleging that the petitioner was transporting the sand in the vehicle without any valid permit or licence. A perusal of the record reveals that the Station House Officer, Jadcherla registered a case in Crime No.474 of 2016 against the petitioner under Section 379 IPC and Section 3 of PDPPA Act and 21(1) of MMRD Act, 1957.

4. Learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the decision of

this Court in Writ Petition No.39888 of 2015 dated 09.12.2015 and that a large number of similar and identical cases have been disposed of directing the authorities to release the seized vehicles in terms of G.O.Ms.No.3, Industries and 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.

5. While concurring with the aforesaid submissions made by the learned counsel for the petitioner, the learned Government Pleaders would submit that this writ petition may be disposed of in similar lines to the order of this Court in writ petition No.39888 of 2015.

6. In view of the above, the second respondent is hereby directed to consider the representation of the petitioner for release of the vehicle and pass appropriate orders thereon in the light of the aforementioned G.Os within a period of three weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

14.10.2016
Rns

T.SUNIL CHOWDARY, J