

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.30439 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 respondents in seizing petitioner's Tractor bearing No.AP 36 AQ 4803 and Trailer bearing No.TS 06 UA 8389 as being illegal and arbitrary; and consequently direct the respondents to release the above mentioned vehicles to the petitioner.

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Home (Telangana), representing the first and second respondents, the learned Government Pleader for Mines and Geology, representing the third respondent and the learned Government Pleader for Revenue (Telangana), representing the fourth respondent.

3. The petitioner claims that he is the owner of tractor and trailer bearing Nos. AP 36 AQ 4803 and TS 06 UA 8389. A perusal of the record reveals that the second respondent intercepted the tractor and trailer of the petitioner on 02.09.2016, alleging that the petitioner was transporting the sand illegally in the vehicles. It is the case of the petitioner that he is transporting the sand after obtaining necessary permission from the authorities concerned. A perusal of the record reveals that the petitioner herein submitted a representation to the second respondent on 03.09.2016 with a request to release the vehicles.

4. At the time of arguments, 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.5144 of 2016 and batch dated 19.02.2016 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.5144 of 2016 and batch.

6. In view of the above, the second respondent is hereby directed to consider the application of the petitioner dated 03.09.2016 for release of the tractor and trailer 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.

09.09.2016
Pns

T.SUNIL CHOWDARY, J

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Date:09.09.2016

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