

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.32808 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of the respondents in seizing the petitioner's tractor and trailer bearing Nos. AP 36 AZ 5562 & TS 03 EK 1943 as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, the learned Government Pleaders for Home, Revenue, and Mines and Geology (Telangana).

3. The petitioner claims that he is the owner of the tractor and trailer bearing Nos. AP 36 AZ 5562 & TS 03 EK 1943. A perusal of the record reveals that the vehicle of the petitioner was intercepted by the 2nd respondent on 21-08-2016 when it was proceeding towards Nalgonda alleging that the petitioner was transporting sand illegally in the vehicle. In spite of showing waybill and other relevant documents by the driver of the vehicle, the 2nd respondent without considering the same, seized the vehicle. The petitioner submitted a representation to the 2nd respondent on 24-08-2016.

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 application of the petitioner dated 24-08-2016 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. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

DATED: 27-09-2016
Hsd

T.SUNIL CHOWDARY, J

