

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.30301 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 25 T 4353 and Trailer bearing No.AP 25 AJ 1809 without following any procedure as envisaged in G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08.01.2015 and G.O.Ms.No.15, dated 19.02.2015 issued by the Industries & Commerce (Mines-I) Department as being illegal and arbitrary; and consequently direct the respondents to release the above mentioned vehicle to the petitioner.

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

3. The petitioner claims that he is the owner of tractor and trailer bearing Nos. AP 25 T 4353 and AP 25 AJ 1809. A perusal of the record reveals that the second respondent intercepted the tractor and trailer of the petitioner on 04.09.2016 at Karegaon village, Kotagir Mandal, Nizamabad District, alleging that the petitioner was transporting the sand illegally in the vehicles. The petitioner submitted a representation to the second respondent on 06.09.2016 with a request to release the vehicle. The contention of the learned counsel for the petitioner is that the petitioner is transporting the sand after obtaining necessary permission.

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 06.09.2016 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.

08.09.2016

Note:

Issue C.C. by 09.09.2016.

B/ o. Rns

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T.SUNIL CHOWDARY, J

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Rns