

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.29592 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the seizure of petitioner's Lorry bearing No.AP 29 TA 2355 is illegal and consequently direct the respondent No.2 to release the vehicle.

2 Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj & Rural Development and also the learned Government Pleader for Home.

3 The petitioner claims to be the owner of Lorry bearing No.AP 29 TA 2355. On 28.08.2016, the lorry of the petitioner was intercepted by the 2nd respondent alleging that sand was being transported in the said lorry, without licence. It is the case of the petitioner that they are transporting sand by obtaining necessary permission from the competent authority.

4 At the time of arguments, learned counsel for both the parties, in one voice, submitted that the subject matter involved in this writ petition is squarely covered by the order of this Court in W.P.Nos.4446 and 8360 of 2015.

5 Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for both parties, the petitioner is permitted to make appropriate

application to the 2nd respondent, by enclosing a copy of the transit way bill and the documents in proof of ownership. On such application being made by the petitioner, the 2nd respondent shall consider the same and after satisfying with the genuineness of the transit way bill and the ownership, he shall release the vehicle. If he is not satisfied on the validity of the way bill, he shall release the vehicle 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 by imposing prescribed penalty provided therein. This exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

6 With the above direction, this writ petition is disposed of. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 02.09.2016

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