

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.1851 of 2016

22.01.2016

Between:

Babya Naik

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Home Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Laxmaiah for Mr.V.Brahmaiah Chowdary

Counsel for respondent Nos.1 and 2: Assistant Government Pleader
for Home (TS)

Counsel for respondent No.3: Assistant Government Pleader
for Mines and Geology (TS)

Counsel for respondent No.4: Assistant Government Pleader for Revenue
(TS)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in seizing the petitioner's tractor and trailer bearing registration Nos.AP 03 AJ 7303 and AP 22X 4769 as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized vehicles.

The petitioner pleaded that on 13.01.2016, respondent No.2 has seized the aforementioned vehicles on the allegation that they were used for illegal transportation of sand and that immediately thereafter, he has made an application, dated 14.01.2016, to respondent No.2 for release of the seized vehicles. The grievance of the petitioner is that respondent No.2, who is the competent authority, has refused to receive the said application.

At the hearing, it is submitted by the learned counsel for both parties that as per G.O.Ms.No.3, Industries & 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, respondent No.2, who is stated to have seized the petitioner's vehicles, is competent to release such vehicles.

In view of the above noted facts, as respondent No.2 is stated to have seized the petitioner's vehicles, it is appropriate that the said respondent considers release of the same. The petitioner is, accordingly, permitted to approach respondent No.2 with a fresh application for release of the seized vehicles and within a period of three days of receipt of the said application, the said respondent shall consider and pass appropriate order thereon as per the above-mentioned G.Os.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal the writ petition, W.P.M.P.No.2342 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

22nd January, 2016
GHN