

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.32530 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 the petitioner's vehicle (Goods Carriage) bearing No.AP 29 U 3889 as being illegal, arbitrary; and consequently to 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 respondents 1 and 2, the learned Government Pleader for Revenue (Telangana) representing the 4th respondent and the learned Government Pleader for Mines and Geology (Telangana) representing the 3rd respondent.

3. The petitioner claims that he is the owner of the lorry (Goods carriage) bearing No.AP 29 U 3889. The vehicle of the petitioner was intercepted by the second respondent on 13.09.2016 alleging that the petitioner was transporting the sand illegally in the said vehicle. It is the case of the petitioner he has been transporting the sand under valid way bills and permit. The petitioner made a representation to the second respondent with a request to release the vehicle.

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.5144 of 2016 dated 19.02.2016 and batch 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, wherein the Court followed the earlier orders of this Court in W.P.No.39888 of 2015 dated 09.12.2015.

6. In view of the above, the second respondent is hereby directed to consider the representation of the petitioner dated 13.09.2016 for release of the vehicle 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.

September 26, 2016
Rns

T.SUNIL CHOWDARY, J