

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7018 of 2016

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Between:

Sankya Sai Suresh Kumar

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad, and others.

RESPONDENT

ORDER:

This writ petition is filed for a writ of *Mandamus* declaring the action of the respondents in seizing the petitioner's lorries bearing Nos.AP 31TD 6300, WB 15A 4916, WB 15C 8297, WB 15C 5330 and BR 04E 3903 without following any procedure under the statute as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the petitioner's vehicles from their custody.

The case of the petitioners is that he hired the lorries bearing Nos.AP 31TD 6300, WB 15A 4916, WB 15C 8297, WB 15C 5330 and BR 04E 3903 from the respective owners and using the same for transporting goods after obtaining relevant permissions from the Transport authorities. While so, on 26.02.2016 the 4th respondent seized the vehicles alleging that they are transporting sand illegally. Even though the sand was purchased from the authorized lease holder on 26.02.2016 with valid sand way bill issued by the 3rd respondent-Tahsildar, Chikiti, Ganjam District, Orissa State and the drivers of the vehicles have showed the transit way bills to the 4th respondent, without considering the same the 4th respondent seized the said vehicles. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

4. Having regard to the facts and circumstances of the case and in view of the fact that the petitioner has valid transit way bills in his favour, it is for him to make appropriate application to the 3rd respondent along with the copies of transit way bills and the 3rd respondent-Tahsildar, Kanchili Mandal Srikakulam District, after satisfying with the genuineness of the transit way bills, shall consider the same and pass appropriate orders for release of the subject vehicles in view of the guidelines issued by the Government vide G.O.Ms.No.95, dated 28.08.2014 for imposing penalties.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

3rd March, 2016

Js.