

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

WRIT PETITION No.570 of 2016

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06.01.2016

Between:

Chitla Koteswara Rao and another

.. Petitioners

and

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

.. Respondents

Counsel for the petitioners: Mr.Ch.Janardhan Reddy

Counsel for respondent Nos.1 and 3: Assistant Government Pleader
for Home (TS)

Counsel for respondent No.2: 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.3 in seizing the petitioners' tippers bearing registration Nos.AP 03 TB 0626 and AP 26 TC 0045 respectively as illegal and arbitrary.

The aforementioned two tippers were seized by respondent No.3 on 26.12.2015 on the allegation that the same were used for illegal transportation of sand. The petitioners pleaded that while their tippers were authorized for being deployed for construction work from KM 42/8 to KM 43/2 of Chitvel, Kodur Road, Y.S.R. Kadapa District, they were highhandedly seized. The petitioners have, however, not approached respondent No.2, who is the competent authority for release of the seized tippers as per G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014.

As the petitioners have failed to move respondent No.2 for release of the seized tippers, they are permitted to make applications for such purpose before the said respondent. Within a period of one week from the date of receipt of such applications, respondent No.2 shall consider the same, pass appropriate orders thereon, as per the aforementioned G.O. and communicate the same to the petitioners.

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

As a sequel to disposal of the writ petition, W.P.M.P.No.702 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

06th January, 2016

GHN

