

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33753 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 petitioner's DCM Eicher Van bearing No.AP 11V 1150, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner, the learned Government Pleaders for Panchayat Raj & Rural Development, Home and Revenue.

3. The petitioner claims to be the owner of DCM Eicher Van bearing No.AP 11V 1150. It is the case of the petitioner that the second respondent intercepted his vehicle on 26.7.2016 at Sunkini village alleging that sand was being transported in the vehicle illegally. It is the further case of the petitioner that the sand was being transported in the vehicle with valid way bills. The petitioner has submitted a representation dated 27.7.2016 to the second respondent with a request to release the vehicle. For one reason or the other, the second respondent has not disposed of the representation of the petitioner.

4. At the time of arguments, 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.39888 of 2015 dated 09.12.2015 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.39888 of 2015.

6. In view of the above, the respondent Nos.2 and 3 are hereby directed to consider the representation of the petitioner dated 27.7.2016 for release of the vehicle and pass appropriate orders thereon in the light of the aforementioned G.Os as early as possible.

7. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

September 30, 2016.

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T.SUNIL CHOWDARY, J.