

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.34521 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 vehicle (Goods Carriage) bearing No.TS 05 UA 8131 as being illegal and 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 Pleaders for Mines and Geology(Telangana) representing the first respondent, learned Government Pleader for Home(Telangana), representing the second respondent and the learned Government Pleader for Revenue(Telangana) representing the third respondent.

3. The petitioner claims that he is the owner of the goods carriage bearing No.TS 05 UA 8131. A perusal of the record reveals that the vehicle of the petitioner was intercepted on 04.10.2016 alleging that the petitioner was transporting the sand in the vehicle without any licence. The learned counsel for the petitioner submitted that the petitioner submitted a representation on 05.10.2016 to the second respondent with a request to release the vehicle and the same is pending.

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.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 second respondent is hereby directed to consider the representation of the petitioner dated 05.10.2016 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.

14.10.2016
Rns

T.SUNIL CHOWDARY, J