

THE HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.31187 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 third respondent in seizing the petitioner's Lorry bearing No.TS 07 UB 6944 without following due process of law as illegal and arbitrary.

2. Heard Sri C.Hari Preeth, learned counsel for the petitioner, learned Government Pleader for Mines and Geology (Telangana) representing the first respondent, the learned Government Pleader for Revenue (Telangana), representing the respondents 2 to 4 and the learned Government Pleader for Home (Telangana) representing the fifth respondent.

3. The petitioner claims that he is the owner of Lorry bearing No.TS 07 UB 6944. A perusal of the record reveals that the lorry of the petitioner was intercepted on 05.09.2016 alleging that the petitioner was transporting the sand illegally. The case of the petitioner is that he has been transporting the sand after obtaining necessary permission from the concerned authorities. Whether the petitioner is having valid way bills or not is purely a question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

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 orders of this Court in W.P.No.5144 of 2016 and batch and W.P.No.26316 of 2016 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.

6. In view of the above, the third respondent is hereby directed to release the lorry of the petitioner after verifying the way bills and other documents. If the petitioner fails to produce the way bills and other necessary documents, the third respondent is directed to release the vehicle by following 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.

15th September, 2016.
Rns

T.SUNIL CHOWDARY, J.