

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6982 of 2016

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Between:

1. Sk. Basha and others.

PETITIONERS

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 petitioners' lorries bearing Nos.AP 16Y 2689, AP 30V 1616, AP 30X 4753 and AP 35U 2499 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 they are the registered owners of lorries bearing Nos.AP 16Y 2689, AP 30V 1616, AP 30X 4753 and AP 35U 2499 and they are having relevant permissions from the transport authorities for transporting the goods. While so, on 26.02.2016 the 3rd respondent seized the petitioners' vehicles alleging that they are transporting sand illegally. The petitioners state that the sand was purchased from the authorized lease holder on 26.02.2016 with valid sand way bill issued by the Tahsildar, Chikiti, Ganjam District, Orissa State. The grievance of the petitioners is that though the drivers of the vehicles have showed the transit way bill, the 3rd respondent illegally seized the vehicles. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioners 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 petitioners have valid transit way bills in their favour, it is for them to make appropriate application to the 3rd respondent along with the copies of transit way bills and the 3rd respondent-Tahsildar, Kanchili Mandal, Srikakulam, after satisfying with the genuineness of the transit way bills, shall consider the same

and pass appropriate orders for release of the subject vehicles. If the 3rd respondent is not satisfied with the transit way bills, he shall release the vehicles keeping in view 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.