

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28608 OF 2016

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of *Mandamus* declaring the action of the 2nd respondent in seizing petitioner's Tractor and trailer bearing Nos.TS 15 UB 2098 & TS 15 UB 2118 as illegal and arbitrary and consequently to direct the 2nd respondent to release the above mentioned vehicle to the petitioner forthwith.

2. Heard the learned counsel for the petitioner and the learned Government Pleaders for Home, Revenue, and Mines and Geology (Telangana).

3. The claim of the petitioner is that he is the owner of the tractor and trailer bearing Nos.TS 15 UB 2098 & TS 15 UB 2118. On 15.08.2016 the 2nd respondent seized the above vehicle at Rudram X Road of Medak District alleging that the sand was transporting in the vehicle illegally. A perusal of the record reveals that the second respondent registered a case in Crime No.71 of 2016 under Section 379 IPC and Section 21(1) of the Mines and Mineral Act, against the petitioner. It is the case of the petitioner that the 2nd respondent has not received his representation.

4. Learned counsel for the petitioner submitted that the subject matter involved in this writ petition is squarely covered by the order of this Court in Writ Petition No.4241 of 2015 dated 14.2.2014 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.186, Industries and Commerce (Mines.I) Department, dated 17.12.2013 and 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.4241 of 2014.

6. In view of the above, the petitioner is at liberty to submit representation to the second respondent for release of the vehicle. On receipt of such representation, the second respondent is hereby directed to pass 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.

T.SUNIL CHOWDARY, J

Date: 26.08.2016
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