

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27320 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 petitioners' lorries bearing Nos.AP 16 TY 3043, AP 16 TT 9655, AP 16 TX 9133 AND AP 24Y 4819 respectively without following any procedure under Section 9Q sub-section 7 of Minor Mineral Concession Rules as being illegal, arbitrary, against the principles of natural justice and violative of Articles 14, 16, 19(1)(g), 21, 300-A and 301 of Constitution of India; and consequently to direct the respondents to release the above mentioned vehicles to the petitioners.

2. Heard the learned counsel for the petitioners, the learned Government Pleaders for Panchayat Raj and Rural Development, Home, Revenue, and Mines and Geology (Telangana).

3. Learned counsel for the petitioners submitted that the petitioners 1 to 4 are the owners of the lorries bearing Nos.AP 16 TY 3043, AP 16 TT 9655, AP 16 TX 9133 AND AP 24Y 4819 respectively. A perusal of the record reveals that the lorries of the petitioners were intercepted on 11.08.2016 alleging that the petitioners were transporting the sand illegally without any permit. A perusal of the record further reveals that the petitioners submitted a representation on the same day to the second respondent requesting him to release the vehicles, but he refused to receive the same. Learned counsel for the petitioners further submitted that at the time of seizure, the drivers of the vehicles produced the way bills and other relevant documents, but without considering the same, the second respondent seized the vehicles. He further 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.

4. While concurring with the aforesaid submissions made by the learned counsel for the petitioners, 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.

5. In view of the above, the second respondent is hereby directed to consider the representation of the petitioners dated 11.08.2016 for release of the vehicles 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.

6. 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

August 16, 2016.
Rns.