

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.16799 of 2016

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ORDER:

This writ petition is filed for a *mandamus* declaring the action of the respondents in seizing the petitioner's lorry bearing no.AP 24 TC 3456 without following any procedure as illegal, arbitrary and violative of principles of natural justice and for consequential direction to the respondents to release the said vehicle from their custody.

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Mines (Telangana) appearing for the 1st respondent, learned Government Pleader for Revenue appearing for the 2nd respondent and the learned Government Pleader for Home appearing for the 3rd respondent.

3 . The petitioner claims to be the owner of lorry bearing No. AP 24 TC 3456. He contends that on 17.05.2016 when he was transporting the sand with valid permit, the vehicle was seized alleging that transportation of sand was made illegally. Though the driver has shown the proof of having such permit, the same was not considered and the vehicle was seized.

4 . The learned counsel for the petitioner submits that such an action is illegal and in similar cases, this Court passed the orders.

5. In view of the submission and in view of the orders passed by this Court in W.P.nos.4446 and 8360 of 2015, this writ petition is disposed of granting liberty to the petitioner to make appropriate application to the Tahasildar, Vemulapalli Mandal/2nd respondent by enclosing a copy of the transit way bill and the documents in proof of ownership. The Tahasildar shall consider the same and after satisfying with the genuineness of the transit way bill and the ownership, he shall release the vehicle forthwith. If he is not satisfied on the validity of the way bill, he shall release the vehicle subject to fulfillment of the norms laid down in G.O.Ms.no.15 dated 19.02.2015 by imposing prescribed

penalty provided therein and such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M.SEETHARAMA MURTI, J

26.05.2016

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