

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29402 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 the petitioner's vehicle i.e., Tractor and Trailer bearing Nos.AP 22 W 3638 and AP 22 W 3639 without following procedure, as illegal and arbitrary.

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

3. It is the case of the petitioner that he is the owner of the Tractor and Trailer bearing Nos.AP 22 W 3638 and AP 22 W 3639. A perusal of the record reveals that the vehicle of the petitioner was intercepted on 28.08.2016 at Narayanpet alleging that he is transporting the sand illegally. A perusal of the record further reveals that the petitioner submitted a representation to the second respondent on 28.08.2016 requesting him to release the vehicle. For one reason or other, the second respondent has not disposed of the said representation of the petitioner. The fact remains that the vehicle is under the custody of the second respondent as on today.

4. Learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the orders 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.

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.39888 of 2015.

6. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to consider the representation of the petitioner dated 28.08.2016 for release of the vehicle and pass appropriate orders thereon in the light of the aforementioned G.Os within a period of three (3) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of.

No costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 31.08.2016

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