

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26658 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 seizure of petitioner's Goods Carriage (Tipper) bearing No.TS-05-UA-6628, as arbitrary and illegal.

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

3. The petitioner claims to be owner of Tipper bearing No.TS-05-UA-6628. On 02.08.2016 at about 4:00 PM the Tipper of the petitioner was seized at Peddagudem Village near Rice mill by the 3rd respondent alleging that the Tipper was loaded with illegal sand. In spite of showing waybill and other relevant documents by the driver of the vehicle, the 3rd respondent without considering the same, seized the vehicle.

4. At the time of arguments, learned counsel for both the parties, in one voice, submitted that the subject matter involved in this writ petition is squarely covered by the order of this court in W.P. Nos.4446 and 8360 of 2015 and hence, this writ petition may be disposed of.

5. Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to make appropriate application to the 2nd respondent—the Tahsildar, Peddavoora Mandal, Nalgonda District, by enclosing a copy of the transit way bill and the documents in proof of ownership. The Tahsildar shall consider the same and after satisfying with the genuineness of the transit way bill and the ownership, he shall release the vehicle. 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, Industries & Commerce (Mines.I) Department, 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.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

T.SUNIL CHOWDARY, J

AUGUST 09, 2016
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