

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31299 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 petitioner's lorry bearing No.AP 24 TA 2937 without following any procedure is illegal and arbitrary.

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 the owner of the lorry bearing No.AP 24 TA 2937. On 18.8.2016, the third respondent intercepted the lorry of the petitioner at Salura Village, Bodhan Mandal, Nizamabad District alleging that sand was being transported in the vehicle illegally. It is the case of the petitioner that the sand was transported in the vehicle with all necessary permissions. The second respondent registered a case in Crime No.330 of 2016 against the driver of the lorry for the offences under Section 379 the Indian Penal Code and Section 21(1) of the Mines and Minerals (Development and Regulation) Act. The petitioner submitted representation to the second respondent on 18.8.2016 for release of the lorry.

4. The learned counsel for the petitioner 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.

5. While concurring with the aforesaid submissions made by the learned counsel for the petitioner, the learned Government Pleader 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. In view of the above, the second respondent is hereby directed to consider the representation of the petitioner dated 18.8.2016 for release of the lorry bearing No.AP 24 TA 2937 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.

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: 16.9.2016
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