

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.34028 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the seizure of petitioner's Tractor No.AP 15 TC 1550 with Trailer No.AP 15 TC 1551 is illegal and arbitrary.

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

3 The petitioner claims to be the owner of petitioner's Tractor No.AP 15 TC 1550 with Trailer No.AP 15 TC 1551. On 18.09.2016 the vehicle of the petitioner was intercepted alleging that sand was being transported in the said lorry, without licence. It is the case of the petitioner that he has been transporting sand under valid permit and way bills. It is the further case of the petitioner that he requested the third respondent orally to release 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.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 In view of the above, the second respondent is hereby directed to consider the request of the petitioner for release of the vehicle in the light of the aforementioned G.Os within a period of three days from the date of receipt of a copy of this order.

7 With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 30.09.2016

Kysn