

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.843 of 2016

Dated 07th January, 2016

Between:

Sri Chinna Kistanna

...Petitioner

And

The State of Telangana, rep.by its Principal Secretary to Government,
Home Department, Secretariat Buildings, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri Ch.Ravi Kumar
for Ms.Jahnavi Pabba

Counsel for respondent Nos.1 & 2: AGP for Home (TS)
Counsel for respondent No.3: AGP for Mines & Geology
Counsel for respondent No.4: AGP for Revenue (TS)

The Court made the following:

ORDER:

This writ petition is filed with the grievance that respondent No.2 has not been releasing tractor and trailer bearing registration Nos.AP22H 8238 and AP22H 9207 respectively.

The petitioner pleaded that the above-mentioned tractor and trailer were seized on 22.11.2015 when they were proceeding from Nagarala to Pebbair with the load of sand and were kept in the custody of respondent No.2. The petitioner further averred that FIR No.175 of 2015 was registered by respondent No.2 and that on coming to know about the same, he has paid the penalty of Rs.5,000/- vide Challan bearing No.8772, dated 07.12.2015, in State Bank of Hyderabad, Badepally Branch. The petitioner referred to a letter, dated

07.12.2015, of the Assistant Director, Mines & Geology, Jadcherla, Mahabubnagar District addressed to respondent No.2 informing the latter that the petitioner has paid the penalty of Rs.5,000/- and that the vehicles may be released. As the vehicles have not been released by respondent No.2, the petitioner has filed this writ petition.

In support of the petitioner's plea that he has paid the penalty of Rs.5,000/-, he has filed a copy of the Challan. However, he has not filed a copy of the purported letter addressed by the Assistant Director of Mines & Geology to respondent No.2. Be that as it may, the petitioner is permitted to make an application before respondent No.2 for release of the seized tractor and trailer along with evidence showing payment of penalty. If such application is filed, respondent No.2 shall examine the same, take a decision and communicate the same to the petitioner within three days of receipt of such an application.

Subject to the above direction, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.M.P.No.1023 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016
VGB