

THE HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.31178 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 second respondent in seizing the Lorry bearing No.TS 05 UB 8515, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Government Pleader for Home (Telangana) representing the respondents 1 and 2 and the learned Government Pleader for Panchayat Raj (Telangana) representing the third respondent.

3. The petitioner claims to be the owner of Lorry bearing No.TS 05 UB 8515. The lorry of the petitioner was intercepted on 08.09.2016 alleging that the petitioner was transporting the sand illegally. The second respondent also registered a case in Crime No.145 of 2016 against the petitioner. The petitioner made a representation to the second respondent on 10.09.2016 with a request to release the vehicle. The contention of the petitioner is that no action has been taken by the second respondent on his application so far.

4. At the time of arguments, learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the orders of this Court in W.P.No.39888 of 2015 and W.P. No.28717 of 2016 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 application of the petitioner dated 10.09.2016 for release of the vehicle 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.

15th September, 2016.
Rns

T.SUNIL CHOWDARY, J.

