

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27199 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the seizure of the petitioner's Tractor and Trailer bearing No.AP 36P 5021 and AP 36P 5022, as illegal and arbitrary.

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

3. The petitioner claims to be owner of Tractor and Trailer bearing No.AP 36P 5021 and AP 36P 5022. On 04.08.2016, the Tractor and Trailer of the petitioner was intercepted alleging that he was transporting sand illegally. In spite of showing waybill and other relevant documents by the driver of the vehicle, the 2nd 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 matter involved in this writ petition is squarely covered by the orders of this Court in W.P.No.4446 of 2015 and W.P. No.8360 of 2015 and hence this writ petition may be disposed in terms of the orders in the above said writ petitions.

5. Having regard to the facts and circumstances of the case and also in view of the orders in W.P. No.4446 of 2015 and W.P. No.8360 of 2015, the petitioner is granted liberty to make appropriate application to the 2nd respondent—the Station House Officer, Jammikunta Police Station, Karimnagar District, by enclosing a copy of the transit way bill and the documents in proof of ownership of the vehicle. On such application is being filed, the 2nd respondent shall consider the same and, after satisfying with the genuineness of the transit way bill and the ownership documents, 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 and 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.

6. 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: 12.8.2016.

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