

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36862 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.4 in stopping the petitioner's lorries in the route at Pondagallu Police Check Post, Dachepalli Rural Police Station Limits, Guntur District without any valid reasons as illegal and arbitrary and consequently, to direct respondent No.4 to allow petitioner's lorries to make its onward journey from Pondagallu Police Check Post, Dachepalli Rural Police Station Limits, Guntur District.

2. Heard and perused the material available on record.
3. Case of the petitioner is that he owned three lorries and they were intercepted by respondent No.4 and the officials of Mines and Geology Department and detained by respondent No.4.
4. When the matter is posted for instructions, the learned Assistant Government Pleader for Home produced the written instructions of respondent No.4 wherein it is stated as follows:

“While matters stand thus, Dachepalli Police and the officials of Mines Department have stopped 3 lorries while transporting “silica sand” from Prakasam District of Andhra Pradesh State to Hyderabad of State of Telangana near Pondagallu Police Checkpost. The drivers when asked for the relevant documents regarding transportation of silica sand, produced the same. The officials of the Mines Department have taken the said documents to their office located in Dachepalli Mandal for verification. The drivers followed the officials by keeping the lorries on the highway.

After verification, the Assistant Director of Mines & Geology, Guntur-II, Dachepalli (H.Q), Guntur District through Letter No.6/Vg/2015, dated 28.10.2016 stated that transit forms and other bills of the vehicle bearing No.AP05TA 8429 are genuine and as such issued orders for release of the said vehicle. With regard to the remaining 2 lorries, so far the Police Department has not received Release Order, as such the said 2 lorries were not released.

The Assistant Director of Mines & Geology further stated that, the documents for transportation of silica sand in the said 2 lorries is not in conformity with the rules, the owners of the lorries were asked to comply with the same, as and when the owners comply with the same, he will issue necessary release orders.

The petitioner is well aware of the above facts. The petitioner instead of resolving the issue with the owners of the vehicles, and without impleading proper parties, filed writ petition making false and baseless allegations against the police alleging that police are stopping their vehicles frequently.”

From the above written instructions, it is evident that one lorry was already released and respondent No.4 is ready to release the remaining two lorries only on production of “No objection certificate” by the petitioner from the Assistant Director of Mines and Geology, Guntur-II, Dachepalli (H.Q.), Guntur District.

5. Learned counsel for the petitioner also submitted that the petitioner is ready to obtain “No objection certificate” from the Assistant Director of Mines and Geology and the petitioner has already submitted the concerned records to him and that the petitioner will pursue the matter with the Assistant Director of Mines and Geology.

6. Considering all the facts and circumstances of the case and the submission of the learned counsel for the petitioner, this Court

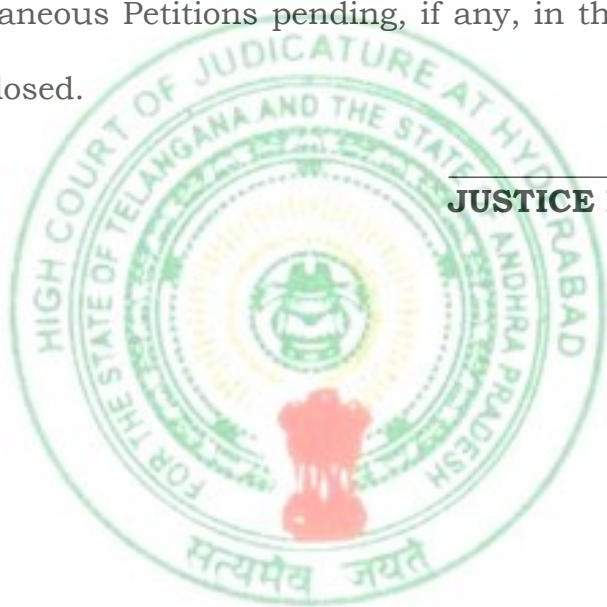
is of the view that the writ petition can be disposed of with the following direction:

Respondent No.4 is directed to release the lorries of the petitioner on his production of "No objection certificate" from the Assistant Director of Mines and Geology, Guntur-II, Dachepalli (H.Q.), Guntur District in connection with the said lorries.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

7.11.2016
AMD



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