

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.7979 of 2016

ORDER :

Heard the counsel for petitioners, the learned Government Pleader for Revenue (Andhra Pradesh) for respondent nos.1 and 2, and the learned Government Pleader for Home (Andhra Pradesh) for 3rd respondent.

2. The petitioners' grievance is that on 24.02.2016 lorries bearing Nos.AP 26 TD 4468 and AP 26 TD 3777 belonging to petitioners were seized by 2nd respondent on the false allegation that gravel was being transported illegally in them without any permit; and respondents were not releasing the said vehicles on the said false plea at the instigation of the local MLA due to political rivalry. It is also contended that 2nd respondent had no jurisdiction or power to seize the vehicles since he is not an authorized officer under the Mines and Minerals (Development and Regulation) Act, 1957, even though there is power to confiscate the vehicles under Section 21 of the said Act.

3. The learned Government Pleaders for Revenue and Home contended that 2nd respondent is also competent to seize the vehicles under Section 26(2) of the said Act. They also state that a First Information Report has been registered for theft of gravel which was found in

the vehicles of petitioners referred to above. They also contend that the Assistant Director of Mines and Geology or the Criminal Court concerned would have no jurisdiction to direct release of the vehicles.

4. The vehicles in question have been seized on 24.02.2016 and if they are in the custody of respondent nos.2 and 3 till the criminal case is decided, there is every possibility of vehicles suffering damage or becoming unusable. Therefore, respondent nos.2 and 3 are directed to release the said vehicles to petitioners subject to petitioners depositing a sum of Rs.25,000/- each for each of the vehicles seized by 2nd respondent, and on the petitioners filing an undertaking before 2nd respondent that they would produce the vehicles in question whenever directed by respondent nos.2 and 3 and they would also not encumber or alienate the said vehicles.

5. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

6. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14-03-2016

Ndr/*

