

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26167 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 petitioner's Goods Carriage (Lorry) bearing No.AP 29 V 3472 is illegal and consequently direct the respondent Nos.2 and 4 to release the vehicle.

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

3. The petitioner claims to be the owner of lorry bearing No.AP 29 V 3472. On 17.7.2016, the lorry of the petitioner was seized at Husnabad town by the fourth respondent as if the petitioner was transporting the sand illegally. Though the driver has shown the proof of having such permit and way bill, the same was not considered.

4. At the time of arguments, learned counsel for both the parties, in one voice, submitted that the subject matter involved in this writ petition is squarely covered by the order of this court in W.P. Nos.4446 and 8360 of 2015, this writ petition is disposed of granting liberty to the petitioner to make appropriate application to the third respondent—the Tahsildar, Husnabad Mandal, by enclosing a copy of the transit way bill and the documents in proof of ownership. The Tahsildar shall consider the same and after satisfying with the genuineness of the transit way bill and the ownership, he shall 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 & 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.

5. 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: 08.8.2016

NOTE:

Dispatch order copy by
10.8.2016.

(By order)

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