

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.30501 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 respondents in seizing petitioner's Tipper bearing No.AP 04 U 6183 as being illegal and arbitrary; and consequently direct the respondents to release the above mentioned vehicle to the petitioner.

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

3. The petitioner claims that he is the owner of tipper bearing No. AP 04 U 6183. A perusal of the record reveals that the second respondent intercepted the tipper of the petitioner on 16.08.2016, alleging that the petitioner was transporting the sand with fake way bills. It is the case of the petitioner that he is transporting the sand after obtaining necessary permission from the authorities concerned. A perusal of the record reveals that the petitioner herein submitted a representation to the second respondent on 17.08.2016 with a request to release the vehicle.

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 decision of this Court in Writ Petition No.5144 of 2016 and batch dated 19.02.2016 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.5144 of 2016 and batch.

6. In view of the above, the second respondent is hereby directed to consider the application of the petitioner dated 17.08.2016 for release of the tipper 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.

09.09.2016
Rns

T.SUNIL CHOWDARY, J

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY



WRIT PETITION No.30501 OF 2016

Date:09.09.2016

Rns