

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.1572 of 2016

21.01.2016

Between:

Babar and others

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Home Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.K.Laxmaiah for Mr.V.Brahmaiah Chowdary

Counsel for respondent Nos.1 and 2: Assistant Government Pleader
for Home (TS)

Counsel for respondent No.3: Assistant Government Pleader
for Mines and Geology (TS)

Counsel for respondent No.4: Assistant Government Pleader for Revenue
(TS)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in seizing the petitioners' tractors and trailers bearing registration Nos.AP 20AE 6617, AP 36M 6835, AP 20X 5817, AP 20X 5818, AP 27M 6449, AP 27M 6450, AP 23E 1309 and AP 23C 1903 as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized vehicles.

The petitioners pleaded that on 13.01.2016, respondent No.2 has seized the aforementioned vehicles on the allegation that they were used for illegal transportation of sand and that immediately thereafter, they have made applications, dated 14.01.2016, to respondent No.2 for release of the seized vehicles. The grievance of the petitioners is that respondent No.2, who is the competent authority, has refused to receive the said applications.

At the hearing, it is submitted by the learned counsel for both parties that as per G.O.Ms.No.3, Industries & 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, respondent No.2, who is stated to have seized the petitioners' vehicles, is competent to release the seized vehicles.

In view of the above noted facts, as respondent No.2 is stated to have seized the petitioners' vehicles, it is appropriate that the said respondent considers release of the same. The petitioners are, accordingly, permitted to approach respondent No.2 with fresh applications for release of the seized vehicles and within a period of three days of receipt of the said applications, the said respondent shall consider and pass appropriate orders thereon as per the above-mentioned G.Os.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal the writ petition, W.P.M.P.No.1988 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

21st January, 2016

GHN