

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8165 of 2016

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ORDER:

This Writ Petition is filed questioning the action of the respondents in seizing the petitioner's vehicle-Tractor bearing No.TS 06 EB 4766 along with Trailer No.AP 22 X 6480 without following any procedure under statute as contemplated under Section 9Q, sub sec.7 of the A.P. Minor Mineral Concession Rules, 1966 (in short "the Rules").

The petitioner pleaded that the Tractor bearing No.TS 06 EB 4766 along with Trailer No.AP 22 X 6480 was seized on 23.01.2016 when the same was proceeding from Thimmapur to Erravelly with the load of sand and was kept in the custody of respondent No.2. The petitioner further averred that FIR No.15 of 2016 was registered by respondent No.2 and that on coming to know about the same, he has paid the penalty of Rs.5,000/- vide Challan bearing No.10958, dated 03.02.2016 in State Bank of Hyderabad, Badepally Branch. In support of his plea that he has paid the penalty of Rs.5,000/-, the petitioner has filed copies of the Challan. The petitioner has also filed a copy of letter, vide Lr.No.113/VG/2015, dated 03.02.2016, of the Assistant Director of Mines and Geology, Jedcherla addressed to respondent No.2 informing that he has paid the penalty of Rs.5,000/- and that the vehicles may be released. As the vehicles have not been released by respondent No.2, the petitioner has filed this Writ Petition. The fact however remains that the petitioner has not made a formal application for release of the seized vehicle.

In the above facts of the case, the petitioner is permitted to make an application before respondent No.2 for release of the seized tractor and trailer along with evidence showing payment of the penalty. If such application is filed, respondent No.2 shall examine the same, take a decision and communicate the same within three days of receipt

of such an application.

Subject to the above direction, the Writ Petition is disposed of.
As a sequel to disposal of the writ petition, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

14th March, 2016
Ssv