

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

Writ Petition No.821 of 2016

Dated 07th January, 2016

Between:

Degavath Pandu and another

...Petitioners

And

The State of Telangana, rep.by its Principal Secretary to Home
Department, Secretariat Buildings, Hyderabad and others

...Respondents

Counsel for the petitioners: Sri K.Laxmaiah

Counsel for respondent Nos.1 & 2: AGP for Home

Counsel for respondent No.3: AGP for Mines & Geology

Counsel for respondent No.4: AGP for Revenue

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent No.2 in seizing the petitioners' lorries bearing registration Nos.AP28W 4479 and AP23V 8679, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized lorries.

The petitioners pleaded that on 01.12.2015, respondent No.2 seized the above-mentioned lorries on the allegation that they were used for illegal transportation of sand and that immediately thereafter, they made an application 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 application.

At the hearing, it is submitted by 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 vehicles, is competent to release the same.

As respondent No.2 is stated to have seized the lorries, it is appropriate that the said respondent considers release of the seized vehicles. The petitioners are accordingly permitted to approach respondent No.2 with a fresh application and within three days of receipt of the said application, respondent No.2 shall consider and pass appropriate order as per the above-mentioned G.Os., for release of the lorries.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.M.P.No.999 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016
VGB