

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

WRIT PETITION No.3373 of 2016

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05.02.2016

Between:

Boini Mallesham and another

.. Petitioners

and

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

.. Respondents

Counsel for the petitioners: Mr.Prakash Chakravarthy

Counsel for the respondents: Assistant Government Pleader
for Home (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 and detaining the petitioners' tractors and trollies bearing registration Nos.AP 23 AC 5011 & AP 28 TE 7311 and AP 26 AF 8036 & AP 07 Y 5702 respectively and registering crime No.137 of 2015 of Pedemul P.S., Ranga Reddy District, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to release the seized vehicles.

The petitioners pleaded that on 31.12.2015, respondent No.2 has seized the aforementioned vehicles on the allegation that they were used for illegal transportation of sand and that immediately thereafter, the aforesaid crime was registered. The grievance of the petitioners is that respondent No.2, who is the competent authority, is not releasing the seized vehicles.

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 same.

Since the petitioners have not submitted applications for release of the seized vehicles before respondent No.2 so far, they are permitted to do so and within a period of three days of receipt of such applications, the said respondent shall consider and pass appropriate orders thereon, as per the aforementioned 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.4313 of 2016 filed by the petitioners for interim relief shall stand disposed of as

infructuous.

C.V.NAGARJUNA REDDY, J

05th February, 2016
GHN