

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

**Writ Petition No.3713 of 2016**

**Dated 08<sup>th</sup> February, 2016**

**Between:**

J.Gangadhar

**...Petitioner**

**And**

The State of Telangana, rep.by its Principal Secretary, Panchayat Raj  
Department, Secretariat, Hyderabad and others

**...Respondents**

**Counsel for the petitioner: Sri Kuriti Bhaskara Rao**

**Counsel for respondent No.1: AGP for Panchayat Raj**

**Counsel for respondent No.2: AGP for Revenue**

**Counsel for respondent No.3: AGP for Home**

**The Court made the following:**

**ORDER:**

This writ petition is filed for a mandamus to declare the action of respondent Nos.2 and 3 in not releasing the petitioner's vehicle bearing registration No.MH36 F1496 as illegal and arbitrary.

The petitioner pleaded that he is the owner of the above-mentioned tipper, that on 31.01.2016, the said tipper was seized and that based on the said seizure, respondent No.3 registered FIR No.13 of 2016 on 31.01.2016 against him and the driver of the tipper. The petitioner further averred that as the alleged violation is of first instance, he is entitled to get the seized tipper released by paying the prescribed penalty in terms of G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015 and that in spite of the representation, dated 01.02.2016, made to respondent No.2 for release of the tipper, no order has been passed thereon.

Inasmuch as respondent No.3 is also authorised to release the seized

tipper in terms of G.O.Ms.No.15, dated 19.02.2015, I find it appropriate that the petitioner makes an application before him as he is the one who has seized the petitioner's tipper and is evidently in custody of the same. Hence, the petitioner is permitted to make an application to respondent No.3 for release of the seized tipper. Within three days of receipt of such application, respondent No.3 shall consider, take appropriate decision thereon and communicate the same to the petitioner.

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

As a sequel to disposal of the writ petition, WP.M.P.No.4741 of 2016 shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

08<sup>th</sup> February, 2016  
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