

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28099 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the second respondent in seizing the lorries of the petitioners bearing registration Nos.AP 29 V 6594 and AP 28 TC 5355 as illegal and arbitrary.

2. Heard the learned counsel for the petitioners, the learned Government Pleader for Home, the learned Government Pleader for Revenue and the learned Government Pleader for Mines and Geology (Telangana).

3. A perusal of the record reveals that the first petitioner claims that he is the owner of the lorry bearing No.AP 29 V 6594 and the second petitioner claims that he is the owner of the lorry bearing No.AP 28 TC 5355. A perusal of the record further reveals that the lorries of the petitioners were intercepted on 11.08.2016 at Suryapet Town alleging that they are transporting the sand illegally.

4. Learned counsel for the petitioners submitted that the petitioners were transporting the sand for construction of the house after obtaining necessary permission from the authorities concerned.

5. Whether the petitioners were transporting the sand without any permission or not is purely a disputed question of fact, which cannot be decided while exercising the jurisdiction under Article 226 of the Constitution. On 12.08.2016 the petitioners submitted a

representation to the second respondent for release of the vehicles. For one reason or other, the second respondent has not passed any orders till date.

6. Learned counsel for the petitioners submitted that the issue involved in this writ petition is squarely covered by the decision of this Court in Writ Petition No.39888 of 2015 dated 09.12.2015 and that a large number of similar and identical cases have been disposed of directing the authorities to release the seized vehicles in terms of G.O.Ms.No.3, Industries and 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.

7. While concurring with the aforesaid submissions made by the learned counsel for the petitioners, the learned Government Pleaders would submit that this writ petition may be disposed of in similar lines to the order of this Court in writ petition No.39888 of 2015.

8. In view of the above, the second respondent is hereby directed to consider the representation of the petitioners dated 12.8.2016 for release of the vehicles and pass appropriate orders thereon in the light of the aforementioned G.Os within a period of three weeks from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

August 22, 2016.

Note:

Issue C.C. within one week.

B/o. Rns

