

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.101 of 2017

Date: 04.01.2017

Between:

V.M.Prasad Reddy, S/o. Muni Reddy, Aged about 62 years,
and another, rep. by Special Power of Attorney Holder,
Jagga Bhanu Harish, a ged about 26 years,
S/o. Late Jagga Prasad, R/o. Flat No.301, III Floor,
Sarada Kuteer Apartment, Seethammadhara,
Visakhapatnam.

.....Petitioners

and

The State of Andhra Pradesh, rep. by its Principal
Secretary, Mines and Geology Department, Velagapudi,
Guntur District, A.P., and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners allege that their vehicles were seized by the Assistant Director of Mines and Geology and kept in the custody of the Tahsildar, Vangara Mandal, Srikakulam District. No seizure memos were communicated to the petitioners. There was no allegation of petitioners committing violation of the statutory provisions governing the mineral excavation and transportation. The action of the respondents in seizing the vehicles without seizure memos and illegally keeping them in the custody of the Tahsildar amounts to arbitrary exercise of power.

2. There is no material on record to show that such seizure was taken up without following due procedure. No endeavour is made by the petitioners to appraise the respondents 2 and 3 that the alleged illegal seizure of vehicles and keeping them illegally in the custody of the Tahdsildar and straightaway this writ petition is filed. The writ petition in the present form cannot be entertained and is liable to be dismissed and is accordingly dismissed. However, liberty is granted to the petitioners to represent to the Assistant Director (2nd respondent) and the Tahsildar (3rd respondent) bringing to their notice about the ownership of the vehicles mentioned in the prayer of the writ petition and appraise them that their vehicles are illegally seized. If as and when such representation is made, it is hoped and expected that the authority concerned would respond and communicate a decision to the petitioners within a period of two weeks from the date of receipt of copy of representation.

There shall be no order as to costs. Miscellaneous petitions,
if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 04.01.2017

Note: Issue C.C. in two days.
(B/o)
kkm



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