

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21841 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondent in seizing the Tippers of the petitioner bearing Nos.AP 16 TE 3718, AP 16 TE 6426 and AP 16 TE 6319 on the ground that they are trying to transport the mud and consequently not considering to release the vehicles in terms of G.O.Ms.No.95, dt.28-08-2014 Industries & Commerce (Mines-IV) Department, as arbitrary and illegal and consequently direct the respondents to release the Tippers of the petitioner bearing Nos.AP 16 TE 3718, AP 16 TE 6426 and AP 16 TE 6319 forthwith in the interest of justice.”

2. Case of the petitioner is that he is the owner of the aforementioned tippers. On 27.06.2017, respondent No.3 seized the said tippers and registered F.I.R.No.107 of 2017 on the file of Kanchikacherla Police Station, Krishna District for the offences under Sections 27 and 35 of the Andhra Pradesh Water, Land and Trees Act, 2002 and Section 379 read with 511 I.P.C. on the ground that the said tippers were at Perikalapadu Vuracheruvu (Village Tank) and ready to remove the mud without obtaining permission. His main grievance is that the respondents are not considering to release the said tippers in terms of G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014.
3. Heard and perused the material available on record.

4. Considering the facts and circumstances of the case, the petitioner is directed to approach the Court before which F.I.R. No.107 of 2017 of Kanchikacherla Police Station, Krishna District is pending and seek appropriate remedy available to him under law.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date: 10.07.2017
AMD

JUSTICE RAJA ELANGO



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