

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.27537 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue writ order or direction especially one in the nature of Writ of Mandamus to declare the seizure of the petitioner's goods vehicle bearing No.TS 07 UA 1454 as illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the respondents 2 to 4 to release the petitioner's vehicle.”

2. Heard the learned counsel for the petitioner and learned Government Pleaders for Mines & Geology, Home & Revenue (Telangana).

3. Petitioner herein claims to be the owner of vehicle bearing No.TS 07 UA 1454 and it was seized by the 3rd respondent–Station House Officer, as if the petitioner was transporting the sand illegally. It is the case of the petitioner that he has been transporting the sand after obtaining necessary permission and waybill from the concerned authority.

4. At the time of arguments, learned counsel for both the parties, in one voice, submitted that the subject matter involved in this Writ Petition is squarely covered by the order of this Court in W.P.Nos.4446 and 8360 of 2015 and hence, this Writ Petition may be disposed of.

5. Accordingly, this Writ Petition is disposed of, granting liberty to the petitioner to make appropriate application to the fourth respondent, by enclosing a copy of the transit waybill and the documents in proof of ownership. The fourth respondent shall consider the same and, after satisfying with the genuineness of the transit waybill and the ownership, he shall release the vehicle. If he is not satisfied on the validity of the waybill, he shall release the vehicle subject to fulfilment of the norms laid down in G.O.Ms.No.15, Industries & Commerce (Mines.I) Department, dated 19.02.2015, by imposing prescribed penalty provided therein and such exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

18th August, 2017
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A.V.SESHA SAI, J