

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.41995 of 2017

ORDER:

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

“....to issue an appropriate Writ, Order or Direction or a writ one in the nature of Writ of Mandamus, declaring the action dt.21-11-2017 of the Respondent No.5 & 6 in seizing the Tractor No.AP-07-TF-1422 and trolley bearing no.AP 07 TF 1421 of the 1st petitioner and the tractor bearing No.AP04 TW 6171 and trolley no.AP04 TW 6172 of the 2nd petitioner and the 4th respondent giving custody of those vehicles to the 7th respondent without following any procedure under statutes as illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and in violation of the principles of the natural justice and the said seizure is without jurisdiction, and consequently set aside the seizure dt.21-11-2017 of the vehicles of the petitioners by the respondents 5 & 6 by directing further the Respondents to release the Tractor No.AP-07-TF-1422 and trolley bearing no.AP 07 TF 1421 of the 1st petitioner and the tractor bearing No.AP 04 TW 6171 and trolley no.AP 04 TW 6172 of the 2nd petitioner and pass such other order or orders.....”

(Reproduced verbatim)

2. I have heard the submissions of *Sri SSBhatt*, learned counsel appearing for the petitioners; learned Government Pleader for Mines & Geology appearing for the 1st respondent; and of the learned Government Pleader for Revenue appearing for the respondents 2 to 6. I have perused the material record.

3. Learned Government Pleader for Revenue would submit that the petitioners have to approach the concerned authority for release of the vehicles. On written instructions, the learned Government Pleader would submit that, on 21.11.2017 at 5 PM, the Mandal Revenue Inspector of Vallur Mandal & Village Revenue Officer, Peddaputha village, seized seven tractors near Dasarpalli of Peddaputha village of Vallur Mandal when sand is being illegally transported from un-notified sand reaches and that the vehicles were handed over to the Station House Officer, Vallur Police Station, for safe custody and that the matter is under consideration of the District Collector.

4. Learned counsel appearing for the petitioner submits that as per G.O.Ms.no.42, dated 29.03.2016, officers not below the rank of Sub-Inspector of Police or Deputy Tahasildar or the Royalty Inspector of Mines & Geology shall be competent to exercise powers for seizure of vehicles and that in the instant case, the officer, who seized the vehicles is not competent to seize the vehicles and that, therefore, the seizure of the vehicles is illegal. He further submits that the vehicles in question are seized, on 21.11.2017; however, till date, no further action is taken except detaining the vehicles and that no crime/s has/have been registered and that, therefore, detention of the vehicles is illegal and contrary to the established canons of law. He would also bring to the notice of this Court, the order, dated 17.11.2017, of this Court passed in W.P.no.38774 of 2017 and submitted that this writ petition may be disposed of on the same lines.

4. Having regard to the facts & submissions and for the reasons alike as were mentioned in the order, dated 17.11.2017, of this Court in

W.P.no.38774 of 2017, this Writ Petition is disposed of in terms of the said aforesaid order.

Office is directed to enclose to this order, a copy of the order, dated 17.11.2017, passed in W.P.No.38774 of 2017.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

13th December, 2017

Note:- Issue CC by 14.11.2017
(B/o)
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