

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40219 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“.... to issue a writ or order or direction more particularly one in the nature of a writ of *Mandamus* declaring the action of respondent Nos.4 and 5 in keeping the custody of petitioner's tractor bearing No. AP 04/TW/4315 and trailer bearing No.AP 04/TW/4315 as illegal, arbitrary, against the rule, in contravention of the rights of the petitioner enshrined under Articles-14, 19(g), 21 and 300A of the Constitution of India and direct respondent Nos. 2 to 5 to release petitioner's tractor bearing No. AP 04/TW/4314 and trailer bearing No.AP 04/TW/4315, in the interests of justice.”

Heard learned counsel for the petitioner, learned Government Pleader for Revenue (Andhra Pradesh) appearing for respondent Nos.1 to 4 and learned Government Pleader for Panchayat Raj & Rural Development (Andhra Pradesh) appearing for respondent No.6.

Learned counsel for the petitioner would submit that in view of the contents of letter dated 02.11.2017, of the Executive Engineer, RWS & Sub-Division, Pulivendela, Kadapa District-respondent No.6 addressed to the Tahsildar, Lingala Mandal-respondent No.4 and the letter dated 03.11.2017, of respondent

No.4 addressed to the District Collector, YSR Kadapa District-respondent No.2, the grievance of the writ petitioner stands redressed, if respondent No.2 is directed to act upon the letter of respondent No.4 and take a considered decision in the matter in strict accordance with the procedure established by law. He, therefore, requests this Court to dispose of the Writ Petition with appropriate and necessary directions.

However, learned Government Pleader for Revenue appearing for respondent Nos.1 to 4, on instructions, would submit that the Sub-Inspector of Police, Lingala Police Station and his staff have seized the subject tractor-trailor and also another tractor-trailor on 30.10.2017, at 11 am in between Murarichinthala to Diguvaipalli Village while transporting sand illegally from the river of Singavaram Village of Yallanuru Mandal of Anantapur District and that the driver of the said vehicle has given a statement in the Police proceedings stating that they have excavated sand illegally from the river of Singavaram Village of Yallanuru Mandal for selling the same in the surrounding Villages at the rate of nearly Rs.1,800/- to Rs.2,000/- per each trip and that, therefore, the Writ Petition is not maintainable and is liable to be dismissed.

I have given my earnest consideration to the facts of the case and carefully considered the contents of the two letters, dated 02.11.2017 and 03.11.2017 of respondent Nos.6 and 4, respectively, afore-stated.

It is discernible from record that after the seized property is received by respondent No.4, he conducted a panchanama before the village elders in Lingal Village and handed over the property to the Station House Officer, Lingala Police Station for safe custody until further orders of respondent No.2; and that respondent No.6 has sent a letter stating that as per his requisition, the owner of the said tractor was transporting sand from the river of Singavaram Village of Yallanuru Mandal purely for Government sanctioned work in Murarichinthala Village and that, therefore, he requested for release of the said tractor with sand and accordingly, respondent No.4 made a request in the letter, dated 03.11.2017, addressed to respondent No.2 for necessary orders.

In view of the contents of the letters of respondent No.4 and 6, this Court is of the considered view that the Writ Petition can be disposed of with appropriate directions.

In the result, the Writ Petition is disposed of directing respondent No.2-District Collector, YSR Kadapa District to

consider the request of respondent No.4-Tahsildar, Lingala Mandal in the letter, dated 03.11.2017, addressed to him and take a considered decision in the matter in strict accordance with the procedure established by law within two weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.



JUSTICE M.SEETHARAMA MURTI

14th December 2017

Note:

Issue CC in two days.

B/o

DR