

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.11088 OF 2019

Date: 10.06.2019

Between:

Nimmakayala Balaiah, s/o. Rajaiah, 40 years,
Owner of Goods Carriage LMV bearing No.AP-23-U-
9928, r/o. MND-Chinnakodur village, Chinnakodur
Mandal, Siddipet district and two others.

.....Petitioners

and

The State of Telangana, rep.by its Prl.Secretary,
Mines & Geology Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed praying to direct the respondents to release the vehicles. Petitioners allege that their vehicles were seized by the 2nd respondent on the allegation of illegal transportation of sand.

2. Learned counsel for petitioners submits that on 31.05.2019 representation was made by the petitioners requesting the Station House Officer, Chinnakodur Police Station to release the vehicles agreeing to pay the compounding fee as mandated by the Government. It appears, no orders are passed as on today. However, there is no proof of filing such representation before the Station House Officer.

3. Since there is no proof of filing of representation, it cannot be said that respondents acting illegally in not attending to grievance of petitioners. Therefore, Writ Petition is disposed of with the following directions:

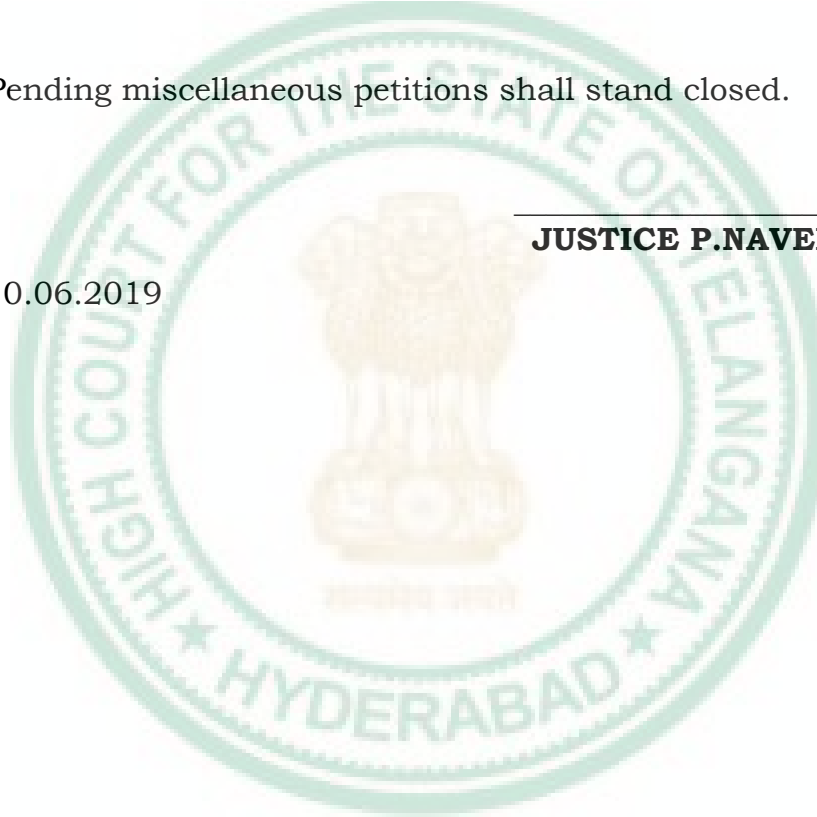
Petitioners are at liberty to approach either the learned jurisdictional Magistrate before whom the vehicles may have been produced and file applications as per the procedure established by law and seek release of the vehicles by bringing to the notice of the Court the policy decision taken by the Government and the terms of the G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, if the petitioners so desire; or in the alternative they may make a request to the 2nd respondent by filing appropriate application for release of vehicles, if not already

filed and not received by the 2nd respondent; and if any such applications are filed before the 2nd respondent, the 2nd respondent is at liberty to pass appropriate orders as per terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the vehicles, if they were produced before the Court concerned. It is needless to state that the applications, if any, filed by the petitioners before either the Court or the 2nd respondent, shall be disposed of within three days from the date of filing in the interest of justice.

Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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