

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26286 OF 2019

Date:28.11.2019

Between:

Nagesh Nallabothu, S/o. Maraiah,
Aged about 33 years, Occ: Agriculture,
R/o.4-79, Thimmannagudem,
Kanagal (M), Nalgonda District and others .. Petitioners

And

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



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.26286 OF 2019****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Mines and Geology appearing for respondent No.1, learned Government Pleader for Home appearing for respondent No.2 and learned Government Pleader for Revenue appearing for respondent No.3.

2. This Writ Petition is filed praying to direct the respondents to release the vehicles. Petitioners allege their vehicles were seized by respondents 2 and 3 on the allegation of illegal transportation of sand.

3. Learned counsel for petitioners submits that on 08.11.2019 a representation was made by the petitioners requesting the Station House Officer, Kanagal Police Station, Nalgonda District, the 2nd respondent, to release the vehicles. It appears, no orders are passed as on today. However, there is no proof of receipt of such representation.

4. Since there is no proof of receipt of representation, it cannot be said that respondents are 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 application 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 G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, if the petitioners so desire, after examining the competence and jurisdiction to release the vehicles, if they were produced before the Court concerned; 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 application is 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. It is needless to state that the application, 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. No order as to costs.

P.NAVEEN RAO, J

Date:28.11.2019

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