

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

**PRESENT
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER**

WRIT PETITION NO: 19307 OF 2020

Between:

R.Shiva Naik, S/o Thourya Naik, Aged about 36 yrs, Occ. Agriculture, R/o Bantwaram,
Vikharabad, T.G

...PETITIONER

AND

1. The State of Telangana, Through Principal Secretary, Mines and Geology,
Secretariat Building, Hyderabad
2. The Station house Officer, Bantaram Police Station, Vikharabad District
3. The Tahsildar, Bantaram Mandal, Vikharabad District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action on part of the respondent No.2 in seizing the tractor bearing registration no. AP22 AA 6462 with trolley bearing No. AP 22 TA 3642, under FIR No. 64 of 2020, is highly illegal, arbitrary and in violation of GOMs No. 15 dated 19.2.2015. Consequently, this Hon'ble Court may be pleased to direct the respondent No.2 to release the tractor bearing registration no. AP22 AA 6462 with trolley bearing No. AP 22 TA 3642 on execution of personal bond within a period of 3 days as per GOMs No. 15 dated 19/2/2015

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an interim direction thereby directing the respondent no.2 to release the tractor bearing registration no. AP22 AA 6462 with trolley bearing No. AP 22 TA 3642, seized under FIR No. 64 OF 2020, on execution of personal bond within a period of 3 days as per GOMs No. 15 dated 19/2/2015

Counsel for the Petitioner : SRI. MOHD OSMAN SHAHEED

Counsel for the Respondent No.1 : GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.2 : GP FOR HOME

Counsel for the Respondent No.3 : GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.19307 OF 2020

ORDER:

When the matter is taken up for hearing, learned counsel on either side fairly conceded that the issue involved in this Writ Petition is squarely covered by the order, dated 26.02.2020, passed by this Court in Writ Petition No.4086 of 2020.

2. In view of the same, for the reasons alike in the aforesaid order, this Writ Petition is disposed of with the following directions:

The petitioner is 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 petitioner so desire; or in the alternative, he may make a request to respondent No.2 – Station House Officer, Bantaram Police Station, Vikarabad District, by filing appropriate application for release of the vehicles, if not already filed and not received by respondent No.2; and if any such application is filed before respondent No.2, respondent No.2 is at liberty to pass appropriate orders as per the terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the vehicles, if the same were produced before the Court concerned. It is needless to state that the application, if any,

filed by the petitioner either before the Court or respondent No.2, shall be disposed of within seven (7) days from the date of filing. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

Ch. Ch.

SECTION OFFICER

To

1. The Principal Secretary, Mines and Geology, State of Telangana, Secretariat Building, Hyderabad
2. The Station House Officer, Bantaram Police Station, Vikharabad District
3. The Tahsildar, Bantaram Mandal, Vikharabad District
4. One CC to Sri. Mohd Osman Shaheed, Advocate [OPUC]
5. Two CCs to GP for Mines and Geology, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana, Hyderabad (OUT)
7. Two CCs to GP for Revenue, High Court for the State of Telangana, Hyderabad (OUT)
8. Two CD Copies
(along with the copy of the order dated 26/02/2020 in WP No.4086 of 2020)

Kj.



HIGH COURT

DATED:06/11/2020

ORDER

WP.No.19307 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

11/11/2020 (12) + [Signature]

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 4086 of 2020

ORDER:

This writ petition is filed for the following relief;

"to issue an appropriate writ, order or direction more in the nature of *Mandamus* declaring the action of the respondents in seizing the Tractor & Trailer bearing Nos.TS 34 T 0745, TS 34 T 0747, TS 34B 4210 & TS 34T 8363, without following any procedure under statutes contemplated under Section 9Q sub Section 7 of Minor Mineral Concession Rules belonging to the petitioner as being illegal, arbitrary and against the principles of natural justice and violative of Articles 14, 16 19(1)(g), 21, 300-A and 301 of Constitution of India and consequently direct the respondents to release the Tractor & Trailer bearing Nos. .TS 34 T 0745, TS 34 T 0747, TS 34B 4210 & TS 34T 8363 of the petitioners forthwith, and pass such other order or orders as are deemed fit and proper."

Heard learned counsel for the petitioners who submits that the *lis* in the writ petition is squarely covered by order dated 04.07.2019 passed by this Court in WP.No.13559 of 2019.

The same is not disputed by the respondents.

In view of the same and for the reasons alike in the said order dated 04.07.2019 in WP.No.13559 of 2019, this writ petition is also disposed of in terms thereof and the 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 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 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, after examining the competence and jurisdiction to release the vehicles, if same were produced before the Court concerned. 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. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

26.02.2020
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