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

MONDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 22498 OF 2020

Between:

1. Pagilla Ganesh, S/o Saidulu, Aged about 21 years, Occ.Agriculture, R/o 2-21, Dorepally, Kanagal, Nalgonda District.
(Owner of Tractor and Trailer bearing Nos.AP 24 AG 3981 and AP 24 AG 3982)
2. BairagoniKavitha, W/o Shekar, Aged about 29 years, Occ.Housewife, R/o 2-48, Dorepally, Kanagal, Nalgonda District.
(Owner of Tractor and Trailer bearing Nos.AP 24 AT 0682 and TS 05 UE 1186)
3. SaiduluMogudhala, S/o Venkataiah, Aged about 28 years, Occ. Agriculture, R/o 2-45, Dorepally, Kanagal, Nalgonda District. (Owner of Tractor and Trailer bearing Nos. AP 07 CW 7065 and AP 07 CW 7066)
4. VenkataiahMogudhala,, S/o Muslaiah, Aged about 48 years, Occ. Agriculture, R/o 2-46, Dorepally, Kanagal, Nalgonda District. (Owner of Tractor and Trailer bearing Nos. AP 24 AN 8159 AND AP 24 AN 8160

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary Mines and Geology Department, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Kanagal Police Station, Nalgonda District.
3. The Tahsildar, Kanagal Mandal, Nalgonda 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 issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the seizure of the petitioners Tractors and Trailers bearing Nos. AP 24 AG 3981 and AP 24 AG 3982, AP 24 AT 0682 and TS 05 UE 1186, AP 07 CW 7065 and AP 07 CW 7066 and AP 24 AN 8159 and AP 24 AN 8160 is illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the respondents 2 and 3 to release the petitioners Tractors and Trailers by collecting penalty as per rules.

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 direct the respondents 2 and 3 to release the petitioners Tractors and Trailers bearing Nos. AP 24 AG 3981 and AP 24 AG 3982, AP 24 AT 0682 and TS 05 UE 1186, AP 07 CW 7065 and AP 07 CW 7066 and AP 24 AN 8159 and AP 24 AN 8160 in favour of the petitioners pending disposal of the main writ petition.

Counsel for the Petitioner: SRI CH. RAVINDER
Counsel for the Respondent No.1: GP FOR MINES AND GEOLOGY
Counsel for the Respondent No.2: AGP FOR HOME
Counsel for the Respondent No.3: AGP FOR REVENUE
The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.22498 of 2020

ORDER:

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

> " ..... to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the seizure of the petitioners Tractors and Trailers bearing Nos.AP 24 AG 3981 and AP 24 AG 3982, AP 24 AT 0682 and TS 05 UE 1186, AP 07 CW 7065 and AP 07 CW 7066 and AP 24 AN 8159 and AP 24 AN 8160, is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent Nos.2 and 3 to release the petitioners Tractors and Trailers by collecting penalty as per rules and pass order..."

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

3. The learned counsel for the petitioners states that the matter is squarely covered by the earlier order of this Court passed in W.P.No.5602 of 2020, dated 12.03.2020, and W.P.No.4086 of 2020, dated 26.02.2020, and the same is conceded by the respondents' counsel.

4. Having regard to the same, the present Writ Petition is disposed of with a direction to the petitioners to approach the

learned jurisdictional Magistrate before whom the vehicles will be produced and file applications as per the procedure established by law and seek release of the vehicles by bringing it 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; or in the alternative, if the petitioners so desire, they can make applications before the respondent No.2 for release of their vehicles, if not already filed. On such applications being made by the petitioners, the respondent No.2 shall pass appropriate orders in accordance with the terms and conditions laid down in G.O.Ms.No.15, dated 19.02.2015. It is needless to mention that if any applications are filed by the petitioners either before the concerned jurisdictional Magistrate or the respondent No.2, they shall dispose of the same within a period of one(1) week from the date of filing of such applications for release of the vehicles, in the interest of justice.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/- K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Mines and Geology Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Kanagal Police Station, Nalgonda District.
3. The Tahsildar, Kanagal Mandal, Nalgonda District.
4. One CC to Sri CH. Ravinder, 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 Revenue, High Court for the State of Telangana at Hyderabad (OUT)
7. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad (OUT)
8. Two CD Copies

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HIGH COURT

DATED:14/12/2020



ORDER

WP.No.22498 of 2020

DISPOSING OF THE WP

WITHOUT COSTS

(12) VLV 17/12/20