IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K. MANMADHA RAO

WRIT PETITION NO: 5052 OF 2025

Between:

Yadlapalli Ekanadh Manikanta, S/o. Yadlapalli Sankara Rao, R/o. D.No.3-2/C, Yanamadala Village Prathipadu Mandal, Guntur District.

...PETITIONER

AND

1. The State of AP, Rep. by its Principal Secretary, Mines and Geology Department, Secretariat Buildings, Velagapudi, Amaravati - 522237.
2. The District Mines and Geology Officer, Guntur, Guntur District - 522002.
3. The Station House Officer, Nallapadu Police Station, Guntur 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in seizing the JCB-205 Vehicle Bearing (Engine No. 8455888J) of the petitioner in connection with Crime No. 194 of 2025, dt 16-02-2025, registered for the offences punishable under Section 303(2) of BNS, 21(4) MMDARA., without following procedure established by any statute or law and against the principles of Natural Justice and violative of Fundamental Rights guaranteed under Articles 14, 19(1)(g) and 21 of the Constitution of India and Consequently direct the respondents to release the JCB-205 Vehicle Bearing (Engine No. 8455888J) of the petitioner forthwith.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release the JCB-205 Vehicle bearing Engine No. 8455888J of the petitioner forthwith pending disposal of this writ petition.

Counsel for the Petitioner : SRI NUTHALAPATI MOHAN

Counsel for the Respondent Nos.1 & 2 : GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.3 : GP FOR HOME

The Court made the following: ORDER

APHC010094912025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3310]
(Special Original Jurisdiction)

FRIDAY ,THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 5052/2025

Between:

Yadlapalli Ekanadh Manikanta ...PETITIONER

AND

The State Of Ap and Others ...RESPONDENT(S)

Counsel for the Petitioner:

1. NUTHALAPATI MOHAN

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR MINES AND GEOLOGY

The Court made the following Order:

ORDER:

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

> *"...pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in seizing the JCB-205 Vehicle Bearing Engine No.8455888J of the petitioner in connection with Crime No.194 of 2025 dt 16.02.2025 registered for the offences punishable under*

Section 303(2) of BNS 21(4)MMDARA without following procedure established by any statute or law and against the principles of Natural Justice and violative of Fundamental Rights guaranteed under Articles 14, 19(1)g and 21 of the Constitution of India and Consequently direct the respondents to release the JCB-205 Vehicle Bearing Engine No 8455888J of the petitioner forthwith and to pass. ....."

2. Heard Mr Nuthalapati Mohan, learned counsel appearing for the petitioner and the learned Assistant Government Pleader for Mines and Geology appearing for the Respondent Nos.1 and 2.

3. On hearing, learned counsel for the petitioner submits that the matter is squarely covered by the order passed by this Court in W.P.No.17254 of 2024, dated 07.08.2024, and hence, requests this Court to pass similar order in this petition also.

4. Learned Assistant Government Pleader appearing for the respondents opposed for grant of any relief in the writ petition and prayed to dismiss the same.

5. Following the same, this Writ Petition is also disposed of in terms of the order passed in W.P.No.17254 of 2024, dated 07.08.2024 directing the respondent authorities to impose penalty in terms of Clause 6 (III) (Q) (i) of G.O.Ms.No.43 Industries and Commerce (Mines-III), Department, dated 08.07.2024 and on payment of such penalty by the petitioner, the respondents shall release the JCB-205 vehicle bearing Engine No.8455888J of the petitioner upon producing the ownership documents of the said vehicle to the satisfaction of the 3rd respondent. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Mines and Geology Department, State of AP, Secretariat Buildings, Velagapudi, Amaravati - 522237.
2. The District Mines and Geology Officer, Guntur, Guntur District - 522002.
3. The Station House Officer, Nallapadu Police Station, Guntur District.
4. One CC to Sri Nuthalapati Mohan, Advocate [OPUC]
5. Two CCs to GP for Mines and Geology, High Court of Andhra Pradesh. [OUT]
6. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
7. Three C.D. Copies.

(Along with copy of the order dated.07.08.2024 in W.P. No.17254 of 2024 enclosed herewith)*

Cnr

HIGH COURT

DATED:28/02/2025

ORDER

WP.No.5052 of 2025



DISPOSING OF THE W.P.
WITHOUT COSTS

APHC010338732024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3310]**
(Special Original Jurisdiction)

WEDNESDAY ,THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 17254/2024

Between:

Maddi Giribabu **...PETITIONER**

AND

The State Of Ap and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. B JAYA PRABHAKARA RAO

Counsel for the Respondent(S):

1. GP FOR HOME

2. GP FOR MINES AND GEOLOGY

The Court made the following:

ORDER:

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

"to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.2 and 3 in seizing the Lorry bearing No.AP16TW7144 of the Petitioner in connection with FIR.No.211 of 2024 without following the procedure known to the law under APMMC Rules, 1966 as illegal, irregular,r arbitrary and contrary to the procedure established by law and against to the principles of natural justice and

violative of fundamental rights guaranteed under Articles 14, 21 and 191g of the Constitution of India and consequently direct the respondents to release the above said vehicle of the Petitioner forthwith in the interest of justice."

2. Brief facts of the case are that the petitioner is the registered owner of the Lorry bearing No.AP16TW7144 and he is utilizing the said vehicle on hire after obtaining necessary permissions from the concerned authorities. While so, the 3rd respondent has seized the vehicle and registered a case in FIR.No.211 of 2024, dated 30.06.2024 under the provisions of Sections 447 and 379 of IPC alleging that the said vehicle is lifting the sand illegally. As per Clause 6 (Q) (iii) of G.O.Ms.No.43 Industries and Commerce (Mines-III), Department, dated 08.07.2024, the respondent authorities are authorized to impose penalty. But the 3rd respondent without having any power, registered the above case and seized the vehicle of the petitioner. If the petitioner vehicle is allowed to be retained by the respondents the vehicle will be damaged and the petitioner will be put to much hardship and irreparable loss. Hence, the present Writ Petition is filed.

3. Heard Mr B.Jayaprabhakara Rao, learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology appearing for Respondent Nos.1 and 2.

4. On hearing, learned counsel for the petitioner reiterated the contentions urged in the petition and requests to issue a direction to the respondents to impose penalty in terms of Clause 6 (Q) (iii) of G.O.Ms.No.43

Industries and Commerce (Mines-III), Department, dated 08.07.2024 and release the subject vehicle.

5. Learned Assistant Government Pleader for Mines and Geology readily agreed to impose penalty in terms of Clause 6 (Q) (iii) of G.O.Ms.No.43 Industries and Commerce (Mines-III), Department, dated 08.07.2024.

6. Having regard to the submissions made by the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Mines and Geology, this Writ Petition is disposed of directing the respondent authorities to impose penalty in terms of Clause 6 (Q) (iii) of G.O.Ms.No.43 Industries and Commerce (Mines-III), Department, dated 08.07.2024 and on payment of such penalty by the petitioner, the respondents shall release the vehicle i.e., Lorry bearing Registration No.AP16TW7144, upon producing the ownership documents of the said vehicle to the satisfaction of the 3rd respondent. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

DR. K. MANMADHA RAO, J.

Date : 07.08.2024
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