APHC010543512026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3327]**
(Special Original Jurisdiction)

SATURDAY, THE 10th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION NO: 29631/2026

Between:

1. GORIPARTHI DAVEED,, S/O VENKAT RAO, AGED 29 YEARS, RIO D.NO.4-117, SUBBARAYUDU VEEDI, ANNADEVARAPETA VILLAGE, TALLAPUDI MANDAL, EAST GODAVARI DISTRICT, ANDHRA PRADESH -534341

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, INDUSTRIES AND COMMERCE (MINES) DEPARTMENT, SECRETARIAT, VELAGAPUDI,GUNTUR DISTRICT. 522238.
2. THE DISTRICT MINES AND GEOLOGY OFFICER, ELURU DISTRICT AT ELURU-534001.
3. THE STATION HOUSE OFFICER, CHINTALAPUDI POLICE STATION, ELURU DISTRICT-534460.
4. THE TAHSILDAR CHINTALAPUDI MANDAL, ELURU DISTRICT-534460.
5. THE VILLAGE REVENUE OFFICER, CHINTAMPALLI, CHINTALAPUDI MANDAL, ELURU DISTRICT-534460.

...RESPONDENT(S):

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 an appropriate writ, order or direction more particularly, one

in the nature of Writ of Mandamus declaring the action of the respondents particularly the 3 rd respondent in seizing the vehicle i.e., Bharat Benz 2823C 6X4 tipper lorry bearing Registration No. AP 39 TY 3333, belongs to the petitioner, in connection with FIR No.255 of 2026 of Chintalapudi Police Station, Eluru District, registered for the alleged offences under Section 318(4) r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, as illegal, arbitrary, malafide and against the procedure prescribed under the Andhra Pradesh Minor Mineral Concession Rules, 1966 besides violation of Constitutional Guarantees and consequently direct the respondents to release the above vehicle to the petitioner, in the interest of justice

IA NO: 1 OF 2026

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 direct the respondents to grant interim custody of the vehicle i.e., Bharat Benz 2823C 6X4 tipper lorry bearing Registration No. AP 39 TY 3333, in connection with FIR No.255 of 2026 of Chintalapudi Police Station, Eluru District, belongs to the petitioner to him forthwith, pending disposal of the above writ petition in the interest of justice

Counsel for the Petitioner:

1. K JYOTHI PRASAD

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE
3. GP FOR INDUSTRIES COMMERCE

The Court made the following:

O R D E R

This Writ Petition is filed seeking the following relief:

> "….to issue an appropriate writ, order or direction more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 3rd respondent in seizing the vehicle i.e., Bharat Benz 2823C 6X4 tipper lorry bearing Registration No.AP 39 TY 3333, belongs to the petitioner, in connection with FIR No.255 of 2026 of Chintalapudi Police Station, Eluru District, registered for the alleged offences under Section 318(4) r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, as illegal, arbitrary, malafide and against the procedure prescribed under the Andhra Pradesh Minor Mineral Concession Rules, 1966 besides violation of Constitutional Guarantees and consequently direct the respondents to release the above vehicle to the petitioner and pass such other order…"

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Industries, the learned Government Pleader for Revenue and the learned Government Pleader for Home.

3. Learned counsel for the petitioner submits that the petitioner herein is the owner of the Lorry i.e. Bharat Benz 2823C 6X4 tipper lorry bearing Registration No. AP 39 TY 3333 and he has been using the subject vehicle for transportation purpose only. On 02.10.2026, Respondent No. 3 seized the vehicle, alleging that one Karri Vamsi Krishna had transported approximately six units of sand without valid documents.

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4. Learned counsel for the petitioner further submits that the Respondent No.3 has illegally seized the vehicle of the petitioner and registered a Crime No.255 of 2026 of Chintalapudi Police Station, Eluru District, for the offences under Section 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. Hence, learned counsel for the petitioner prays that this Hon'ble Court may direct the respondents to release the vehicle forthwith.

5. In support of his contentions, the learned counsel for the petitioner relied on a decision of this Court in W.P.No.17948 of 2025 and prayed this Court to dispose of this Writ Petition in terms of the said order. He also relies on G.O.Ms.No.100, dated 26.06.2025.

6. On the other hand, learned Assistant Government Pleader for Industries and Commerce did not refute the submission made by the learned counsel for the petitioner since the issue involved in this Writ Petition is squarely covered by an order decision of this Court.

7. The Rule 9B-(19) of the said G.O.Ms.No.100 Industries and Commerce (Mines-II), Department, dated 26.06.2025, reads as follows:

> **"Rule 9-B**
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> XXX
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> **(19). Offences and Penalties:**
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> i. In case of the vehicles engaged in illegal/un-authorized excavation in the prohibited areas (i.e., within 500 meters from the Ground water structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State and found transporting sand without valid Sand Weigh bill/Invoice shall be penalized as follows:

Vehicle Type	First Time (in Rs.)	Second Time (in Rs.)
Tractor	Upto 10,000/-	Rs.10,001/- to 20,000/-
Lorry fitted with upto 10 tyres capacity	Upto 25,000/-	Rs.25,001/- to 50,000/-
Lorry fitted with above 10 tyres	Upto 50,000/-	Rs.50,001/- to 1,00,000/-
Machinery	Upto 50,000/-	Rs.50,001/- to 1,00,000/-

Thus, he argues that the authorities cannot seize the vehicle for any alleged violations and they could, at the best, levy only penalties.

8. The Hon'ble Supreme Court, in ***Sunderbhai Ambalal Desai vs. State of Gujarat[1],*** observed that merely keeping vehicles would not serve any fruitful purpose.

9. Considering the submissions made by the learned counsel for all the parties and on perusal of the material placed on record, in view of the earlier orders passed by this Court and with the consent of learned counsel for both the parties, this Court is inclined to dispose of the Writ Petition at the stage of admission with the following directions:

(i) The respondent authorities are directed to pass appropriate orders in terms of Rule 9B-(19) of G.O.Ms.No.100, Industries and Commerce (Mines-III), Department, dated 26.06.2025, for levying penalty, if any;

(ii) After levy of penalty and on payment of such penalty, the petitioner shall produce the receipt of such payment and ownership documents of the vehicle to the satisfaction of 3rd respondent.

(iii) In such an event, 3rd respondent is hereby directed to release the seized vehicle bearing No. AP 39 TY 3333 in favour of the petitioner.

[1] 2002 (10) SCC 283

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications, if any, pending in this Writ Petition, shall stand closed.

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JUSTICE K. SREENIVASA REDDY

Date: 10.10.2026.

Note: Issue CC by 13.10.2026

MS / DS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No: 29631 of 2026

Date: 10.10.2026

MS