APHC010545212026

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

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 29846 OF 2026

Between:

1. Biruduganti Sarada, D/o Biruduganti Prabhakara Rao. , Aged 41 years, Occ. Business, R/o. 76-13-AT, Flat No-F-5, Akarshitha Apartment, Joji Nagar Bhavanipuram Vijayawada (Urban) Vidyadharapuram Vijayawada (urban) Krishna, Krishna Disirict, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its, Principal Secretary, Mines and Geology Department, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.

2. The District Mines and Geology Officer, Guntur District, Andhra Pradesh.

3. The Station House Officer, Thulluru Police Station, Guntur District, Andhra Pradesh.

...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 respondents in seizing the Tipper Lorries bearing Nos. AP 16 TJ4785 of the Petitioner without following any procedure under statutes as illegal, arbitrary and violative of the procedure

contemplated under the A.P. Minor Mineral Concession Rules, 1966 and provisions of the Mines and Minerals (Development and Regulation) Act, 1957, and the rules made there under apart from being violation of Article 14, 19(1)(g) and 300-A of Constitution of India and consequently direct the respondents to release the vehicles of the petitioners from their custody

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 2nd and 3rd respondents to grant interim custody of the Tipper Lorries bearing Nos. AP 16 TJ4785, of the petitioner, pending disposal of the above writ petition

Counsel for the Petitioner: RAJA DAMOJI RAO

Counsel for the Respondents: GP FOR MINES AND GEOLOGY

The Court made the following order:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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ORDER:

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

> *"to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in seizing the Tipper Lorries bearing No.AP 16 TJ 4785 of the petitioner without following any procedure under statutes as illegal, arbitrary and violative of the procedure contemplated under the A.P. Minor Mineral Concession Rules, 1966 and provisions of the Mines and Minerals (Development and Regulation) Act, 1957, and the rules made there under apart from being violation of Article 14, 19(1)(g) and 300-A of Constitution of India and consequently direct the respondents to release the vehicle of the petitioner from their custody and pass such other order or orders……"*

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

3. Learned counsel for the petitioner submits that the 3rd respondent seized the vehicle belonging to the petitioner without authority of law and in violation of the provisions of Sub-Rule (3)(ii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966. Learned counsel for the petitioner further submits that a direction may be given to the respondent authorities to pass appropriate orders for the release of the vehicle, for which, he relied on the decision of this Court passed in W.P.No.32021 of 2025, dated 18.11.2025.

4. Learned Assistant Government Pleader for Mines and Geology appearing for the respondents 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 earlier decision of this Court.

5. Considering the submissions made and with consent of learned counsel for both the parties, this Court is inclined to dispose of the writ petition at the stage of admission.

6. In the result, the Writ Petition is disposed of, directing the respondent authorities to pass orders in terms of Sub-Rule (3)(ii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 and collect the due seigniorage fee and penalty as per law and release the vehicle bearing No.AP 16 TJ 4785 seized by the 3rd respondent to the petitioner, within a period of one (01) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

13.10.2026
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