APHC010556062026

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

THURSDAY, THE 15th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 30325 OF 2026**

**Between:**

1. Appikatla Vasavi,, W/o.Naga Satyanarayana, Aged about 30 years, H.No.1-1, Peda Machavaram, Koduru, Krishna District -521328.

2. Nadakuditi Umamaheswara Rao, S/o.Nancharaiah, Aged about 55 years, H.No.6-85a Pallipalem, Bhattiprolu Mandal, Bapatla District-522265.

**...Petitioners**

**AND**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Mines and Geology Department, Secretariat Buildings, Velagapudi, Amaravathi, Gutur District-522237.

2. The Tahsildar, Challapalli, Krishna District-521126.

3. The Station House Officer, Challapalli Police Station, Krishna District-521126.

**...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 toto issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in seizing the Tractor bearing No.AP07TM7553 and its Trailer bearing

No.AP39VE9489 of the 1st petitioner and the Tractor bearing No.AP07X5426 and its Trailer of the 2nd Petitioner, in connection with FIR No.289 of 2026 without following the procedure known to the law under APMMC Rules, 1966 as illegal, irregular, 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 19(1)(g) of the Constitution of India and consequently direct the respondents to release the above said vehicles of the Petitioners forthwith 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 to direct the respondents to grant interim custody of the Tractor bearing No.AP07TM7553 AND ITS AP39VE9489 of the 1st Petitioner and its Trailer bearing No.AP07X5426 of the 2 nd Petitioner pending disposal of the above writ petition in the interest of justice

**Counsel for the Petitioners: B JAYA PRABHAKARA RAO**

**Counsel for the Respondents: GP FOR HOME Counsel for the Respondents:GP FOR REVENUE Counsel for the Respondents:GP FOR MINES AND GEOLOGY**

**The Court made the following order:**

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 30325 OF 2026**

**ORDER:-**

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

> *"to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in seizing the Tractor bearing No.AP07TM7553 and its Trailer bearing No.AP39VE9489 of the 1st petitioner and the Tractor bearing No.AP07X5426 and its Trailer of the 2nd Petitioner, in connection with FIR No.289 of 2026 without following the procedure known to the law under APMMC Rules, 1966 as illegal, irregular, 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 19(1)(g) of the Constitution of India and consequently direct the respondents to release the above said vehicles of the Petitioners forthwith in the interest of justiceand pass such other order or orders..."*

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

3. Learned counsel for the petitioners submits that the petitioners are the owners of the Tractor bearing No.AP07TM7553 and its Trailer No. AP39VE9489, Tractor bearing No.AP07X5426 and its Trailer respectively and they have been using the subject vehicles for agricultural and commercial use on hire. While so, on 11.10.2026, the respondent No.3 herein has seized the

vehicles alleging that the petitioners have been transporting the sand without valid documents.

4. Learned counsel for the petitioners further submit that the respondent No.3 has illegally seized the vehicles of the petitioners and registered FIR No.289 of 2026 under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, Section 27 of the Andhra Pradesh Water, Land and Trees Act (APWALTA), 2002 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Hence, learned counsel for the petitioners prays that this Hon'ble Court may direct the respondents to release the vehicles. In support of his contentions, the learned counsel for the petitioners relied on a decision of this Court in W.P.No.35886 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.

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

> ***Q. Offences and Penalties:***
>
> *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 Way 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 tires capacity* | *Upto 25,000/-* | *Rs.25,001/- to 50,000/-* |

| | | |
|---|---|---|
| *Lorry fitted with above 10 tires* | *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 vehicles for any alleged violations, they could, at the best levy only penalties.

6. On the other hand, learned Assistant Government Pleader for Mines and Geology appearing for respondent No.1 did not refute the submission made by the learned counsel for the petitioners since the issue involved in this writ petition is squarely covered by an earlier decision of this Court.

7. 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 as under.

8. Accordingly, the present Writ Petition is disposed of, directing the respondent authorities to pass appropriate orders in terms of Rule 9-B of clause 19(a) of G.O.Ms.No.100, Industries and Commerce (Mines-III), Department, dated 26.06.2025, for levying penalty if any. After levy of penalty and on payment of such penalty, the seized vehicles shall be released to the petitioners respectively by the 3rd respondent on producing the receipt of such payment and ownership documents of the vehicles to the satisfaction of the 3rd respondent. There shall be no order as to costs.

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

**VENKATESWARLU NIMMAGADDA, J**

15.10.2026
*TPS/BSP*

**36**

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 30325 OF 2026**

15.10.2026
*TPS/BSP*