APHC010585072026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 32046 OF 2026

Between:

1. Gudise Arun Kumar, S/o. Mohanrao, aged about 41 years, Rio. D. No. 4-77, Chiluvuru, Guntur, Andhra Pradesh 521163.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its, Principal Secretary, Mines and Geology Department, Secretariat Buildings, Velagapudi Village, Thulluru Mandal, Guntur District, Andhra Pradesh - 522238.

2. The District, Mines and Geology Officer, Guntur District, Guntur- 522502.

3. The Station House Officer, Mangalagiri Rural Police Station, Guntur District, Andhra Pradesh-522503.

...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 topleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of respondents in seizing the JCB bearing number AP 07 CE 4699 of the petitioner without following any procedure under statute 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 JCB bearing number AP 07 CE 4699 of the petitioner from 3rd respondents custody, and pass

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 pleased to direct the 2 nd and 3 rd respondents to grant interim custody the JOB bearing number AP 07 CE 4699 of the petitioner, pending disposal of the above writ petition, pending disposal of the above writ petition and pass

Counsel for the Petitioner: VINOD KUMAR PEMMASANI

Counsel for the Respondents: GP FOR HOME 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 JCB bearing number AP 07 CE 4699 of the petitioner without following any procedure under statute 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 JCB bearing number AP 07 CE 4699 of the petitioner from 3rd respondents 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 petitioner's vehicle was seized by the 3rd respondent 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. He further submits that a direction may be given to the respondent authorities to pass appropriate orders for the release of the vehicle, and he relies on the decision of this Court passed in W.P.No.1570 of 2026 dated 20.01.2026.

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. It is appropriate to extract the relevant Sub-Rule (3)(ii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966:-

> *"For the sub-rule 3(ii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966: If no valid document or proof of payment of seigniorage fee and other applicable levies under the Act and rules is produced for the mineral found in possession, the person may be liable to pay the price of such mineral as determined by the authorized officer, in addition to Seigniorage Fee, DMF, and MERIT amounts."*

6. Further, the Hon'ble Division Bench of this Court in ***Naganath Vs. State of A.P.***[1], interpreted the above quoted Rule and categorically held at Para No.7 as under:

> *"..... On a reading of the above Rule, there is nothing to indicate, the vehicle cannot be released, unless the penalty and 5 seigniorage fee is paid. All that the rule states is that the penalty equal to market value of the mineral seized along with seigniorage fee prevalent at that time can be ordered to be paid at the time of interception of the vehicle, if driver or person-incharge of the vehicle fails to produce a valid permit. But, nowhere*

[1] WA No.4 of 2021

the Rule postulates that the vehicle cannot be released, unless the same is paid."

7. In addition, the Hon'ble Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gurajat***[2], in its expression held that merely keeping vehicles would not serve any fruitful purpose.

8. Considering the submissions made by learned counsel on both sides and keeping in view the earlier orders passed by this Court, this Court is inclined to dispose of the Writ Petition at the stage of admission, with the consent of both parties, with the following directions:

i) The 2nd respondent is directed to pass appropriate 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;

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 the 3rd respondent.

iii) In such an event, the 3rd respondent is hereby directed to release the seized vehicle of the petitioner i.e., JCB bearing No.AP 07 CE 4699.

There shall be no order as to costs.

[2] AIR 2003 SC 638

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

VENKATESWARLU NIMMAGADDA, J

03.11.2026
Note: C.C. by tomorrow
B/o.TPS/KSK

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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