APHC010588232026

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

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 32204 OF 2026

Between:

1. Bachanaboina Swamy, S/o. B.Yallaiah, aged about 35 years, Owner of Lorry R/o. 6-81, 6-81, Aregudem, Janagam, Nalgonda District 508253, TS.

...Petitioner

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, Jaggaiahpet Mandal, NTR District-521178.

3. The Station House Officer, Chillakallu Police Station, NTR Commissionerate, NTR District-521178

...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 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 Lorry bearing No.TG30T3366 of the Petitioner in connection with FIR No.239 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 Petitioner 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 direct the respondents to release the Lorry bearing No.1G30T3366 of the Petitioner pending disposal of the above writ petition in the interest of justice

Counsel for the Petitioner: 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

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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 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 Lorry bearing No.TG30T3366 of the Petitioner in connection with FIR No.239 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 Petitioner forthwith in the interest of justice and pass such other order or orders…."*

2. Heard learned counsel for the petitioner, 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 petitioner submits that the petitioner herein is the owner of the lorry bearing No.TG30T3366 and he has been using the subject vehicle for commercial use on hire. While so, on 01.11.2026, the respondent No.3 herein has seized the vehicle alleging that the petitioner has been transporting the sand without valid permission.

4. Learned counsel for the petitioner further submit that the respondent No.3 has illegally seized the vehicle of the petitioner and registered FIR No.239 of 2026 under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 and

Section 27 of Andhra Pradesh Water, Land and Trees Act, 2002 (APWALTA). 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.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.

6. 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 vehicle for any alleged violations, they could, at the best levy only penalties.

7. 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 petitioner since the issue involved in this writ petition is squarely covered by an earlier decision of this Court.

8. The Hon'ble Supreme Court, in ***Sunderbhai Ambalal Desai Vs. State of Gujarat***[1], observed that merely keeping vehicle 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 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;

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;

[1] 2002 (10) SCC 283

iii. In such an event, the 3rd respondent is hereby directed to release the seized vehicle i.e., Lorry bearing No.TG30T3366 in favour of the petitioner.

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

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

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VENKATESWARLU NIMMAGADDA, J

Date:04.11.2026
BSP

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