

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**  
**WRIT PETITION No.18500 of 2013**

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**Date: 28.06.2013**

**Between:**

Pavuluri Venkata Ramana and others

.. Petitioners

and

The Project Director, Machilipatnam, Krishna District and others

.. Respondents

Counsel for the Petitioners : Sri P.Nagendra Reddy

Counsel for Respondent No.1: Assistant Government Pleader  
for Panchayat Raj

Counsel for Respondent No.2: Assistant Government Pleader for  
Revenue

Counsel for Respondent No.3: Assistant Government Pleader for  
Home

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**ORDER:**

This writ petition is filed for a *mandamus* to declare the action of the respondents in seizing the petitioners' lorries bearing registration Nos.AP 16 TY 3896, AP 16 TY 5999, AP 16 TC 222 and AP 16 TY 7488 respectively and registering Crime Nos.113 and 116 of 2013 dated 16.04.2013 of the Station House Officer, Nandigama Police Station, Krishna District, under Sections 379 and 426 I.P.C. and under Section 35 of the Andhra Pradesh Water, Land and Trees Act, 2002 as illegal and arbitrary.

Under Rule 9Q of the Andhra Pradesh Minor Minerals Concession Rules 1966 (for short 'the Rules') notified by G.O.Ms.No.154, dated 15.11.2012, the Officer who seized the machinery/vehicles, after making a report of such seizure to the Magistrate, shall release the same on execution of a bond by the owner thereof for production of the machinery/vehicles so released as and when directed by the Magistrate concerned.

Petitioner No.1 filed a copy of application containing seal of respondent No.2 for release of his seized vehicle. In view of the Rule referred to above, respondent No.2 - Tahsildar, Nandigama Mandal, Krishna District, ought to have considered petitioner No.1's application for release of his seized vehicle pending prosecution. As respondent No.2 failed to follow this procedure, he is directed to release to petitioner No.1 his seized vehicle subject to his filing proof of ownership documents and also executing a bond that he will produce the said vehicle as and when directed by the Magistrate concerned.

Insofar as petitioner Nos.2 to 4 are concerned, they have not produced proof of filing applications for release of their vehicles. In view of the law declared in **Saleem Tours and Travels Vs. Joint Transport Commissioner and Secretary, RTA, Hyd**<sup>[1]</sup>, they shall

approach the competent authority with an application in writing for release of their seized vehicles. If such applications are filed, the competent authority shall entertain and dispose of the same within a period of three days of receipt of such applications.

The Writ Petition is accordingly allowed to the extent indicated above.

As a sequel to allowing the writ petition, W.P.M.P.No.22585 of 2013 filed by the petitioners for interim relief shall stand disposed of as infructuous.

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**C.V.NAGARJUNA REDDY, J**

28<sup>th</sup> June, 2013  
GHN

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[\[1\]](#) 2000(4) ALD 501 (DB)