

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.31786 of 2015

DATED : 30.09.2015

Between :

Tirupathi Sri S/o.Balaiah,

Age : 47 yrs, Occu : Driver-cum-owner of Tractor cum

Trailor bearing No.AP 24 AS 2806 and AP 27 TU 7335,

R/o.H.No.8-58/1, Karvena, Bhoothpur, Mahabubnagar Dist.

.. Petitioner

and

The State of Telangana,

rep., by its Principal Secretary,

(Panchayat Raj & Rural Development),

Secretariat of Telangana, Hyderabad & others.

.. Respondents

This court made the following :

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.31786 of 2015

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ORDER :

This writ petition is filed to declare the action of 2nd respondent in seizing the vehicle Tractor & Trailor bearing No.AP 24 AS 2806 and AP 27 TU 7335, of the petitioner without following any procedure under statutes contemplated under Rule-12 of G.O.Ms.No.15 Dt.19.02.2015 of The Telangana State Minor Mineral Concession Rules 2015, as illegal, arbitrary, high handness and against to the principles of natural justice and violative of Article 14, 16, 19 (1) (g), 21, 300-A and 301 of the Constitution of India and consequently direct the respondents to release the vehicle from their custody with sand.

2. The vehicle of the petitioner was seized on the ground that the petitioner was involved in carrying illegal transportation of sand. As seen from the material filed and the affidavit filed in support of the writ petition, the vehicle is seized by the police. The provisions of rules notified by the State Government vide G.O.Ms.No.15 dated 19.02.2015 are applicable only in case of seizure of vehicle by the revenue authorities and no provision is made regarding imposing of fine and releasing the vehicle, if the vehicle is seized by the Police. Thus, if the petitioner intend to seek the custody of the vehicle, pending investigation in view of the crime registered against him, he has to approach the appropriate court having the jurisdiction over the 2nd respondent Police station and seek appropriate remedy.

3. With the above observations, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

_____**P.NAVEEN RAO,J**

30th September, 2015.

Note : Issue c.c. by tomorrow.

B/o.

Rds

