

HON'BLE SRI JUSTICE K. SURESH REDDY

Writ Petition No. 10685 of 2021

ORDER:

This writ petition has been filed by the petitioner, under Article 226 of the Constitution of India, for the following relief/s:

“..... to issue a writ of mandamus declaring the action of the respondents herein more particularly 2nd respondent herein in registering FIR in Crime No.235 of 2021 dated 19.05.2021 on the file of the Nunna Police Station, Vijayawada City, Krishna District, under Section 420, 379 IPC, sub-rule 16(F) of rule 9-B of Andhra Pradesh Minor Mineral concession Rules, 1996 and seizing the vehicles of the petitioner viz. Tractor bearing registration No.AP 39X 8885, chasis No.MBNAAALGGKZM00308, Engine No.ZKM2MBA8690 with trailer with registration No.AP 16TH 2452 with chasis No.C201606186SDAIKRI001000502TT, with sand load under the cover of an alleged occurrence report and registering case against the driver of the vehicle on the alleged ground of illegal transport of sand without producing any bills and documents, violating the rules and regulations of Andhra Pradesh Government, intercepted and seized near Library Centre, Nunna Village, Vijayawada Rural, on 19.05.2021, as illegal, arbitrary and violative of Articles 14 and 19 of constitution of India and consequently direct the 2nd respondent herein to release the vehicles of the petitioner herein forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Sri Chalasani Ajay Kumar, learned counsel for the petitioner, learned Government Pleader for Mines & Geology appearing for respondent Nos.3 to 5, and learned Government Pleader for Home appearing for respondent Nos.1 and 2. With their consent, this writ petition is disposed of at the stage of admission.

Learned counsel for the petitioner states that the subject matter of the writ petition is squarely covered by the order dated 08.01.2020 passed in W.P.No.671 of 2020 by this Court.

Learned Government Pleaders did not dispute the said submission.

Having regard to the facts and circumstances of the case and considering the submissions, the respondent authorities are directed to impose penalty in terms of Clause-16 of G.O.Ms.No.71, Industries, Infrastructure, Investment and Commerce (Mines-II) Department, dated 04.09.2019 and on such payment, release the petitioner's vehicles.

With the above direction, this writ petition is disposed of in terms of the order dated 08.01.2020 passed in W.P.No.671 of 2020 by this Court. There shall be no order as to costs.

Registry is directed to attach a copy of the order dated 08.01.2020 in W.P.No.671 of 2020 to this order.

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

K. SURESH REDDY, J

27th May, 2021

Note: Issue C.C. in three days.

(b/o)
cbs

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