

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.28498 of 2023

Between:

Sanka Nagaraju,
S/o. Panduranga Rao,
Age: 27 years, Owner of Tractor,
Bearing No.AP-39-UF-0949 and
It's Trailer No.AP-07-TH-6195,
R/o.2-3A, Pesarlanka Village,
Kolluru Mandal, Bapatla District.

....Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Mines and Geology Department,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District and
2 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology for the respondent No.1.

2. The grievance of the writ petitioner is that the 3rd respondent seized the Tractor bearing No.AP39UF0949 and its Trailer No.AP07TH6195 of the petitioner, without following the due procedure.

3. The learned counsel for the petitioner submits that, the petitioner is using the said vehicle for the commercial purpose. While so, on 27.10.2023, the 3rd respondent seized the above said vehicle and registered a case in FIR No.202 of 2023 under Section 21 (4), MMDARA, 379 IPC which is contrary to the G.O.Ms.No.71, dated 04.09.2019.

4. The learned counsel for the petitioner further submits that, at best the respondent authorities can impose the penalty under Clause 16 of G.O.Ms.No.71, dated 04.09.2019, instead of that, the 3rd respondent falsely registered a Criminal Case which is not warranted in the facts and circumstances.

5. On the other hand, the learned counsel for the respondents submits that, the seized vehicle of the petitioner would be dealt with by following the due procedure by the respondents and interim custody of the same would be considered as per law.

6. However, both the counsels submit that the issue involved herein is similar and identical to the issue involved

in W.P.No.35293 of 2022 and that the subject is squarely covered by the order of this Court in W.P.No.35293 of 2022 dated 01.11.2022.

7. Accordingly, following the order in W.P.No.35293 of 2022 dated 01.11.2022, this writ petition is also disposed of. There shall be no order as to costs.

8. Office is directed to append the copy of the order passed in W.P.No.35293 of 2022 dated 01.11.2022, to this order.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

31.10.2023
PNS

JUSTICE B KRISHNA MOHAN