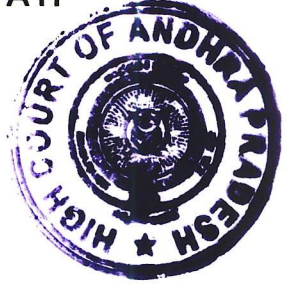


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)



FRIDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 23405 OF 2024

Between:

1. Nimmagadda Abraham, S/o.Pandu, aged about 55 years, Owner of Tractor and its Trailer, R/o.1-71, Pedalanka, Bapatla District - 522257.
2. Inampudi Esteru Rani, W/o. Varababu Rao, aged about 37 years. Owner of Tractor and its Trailer, R/o. 2-196, Pesarlanka, Bhattiprole, Bapatia District - 522527.

...Petitioners

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Mines and Geology Department, Secretariat Buildings, Velagapudi, Amaravathi, Gudur District-522237.
2. The Tahsildar, Bhattiprole, Bapatla District.
3. The Station House Officer, Bhattiprole Police Station, Bapatia District.

...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 Tractor bearing No.AP39UW3077 and its Trailer of the 1st Petitioner, Tractor bearing No.AP40AT2927 and its Trailer of the 2nd Petitioner in connection with FIR No. 177 of 2024 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 Petitioners forthwith in the interest of justice.

IA NO: 1 OF 2024

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 to direct the respondents to release the Tractor bearing No.AP39UW3077 and its Trailer of the 1st Petitioner, Tractor bearing No.AP40AT2927 and its Trailer of the 2nd Petitioner pending disposal of the above writ petition in the interest of justice.

Counsel for the Petitioners: SRI. B JAYA PRABHAKARA RAO

Counsel for the Respondent No.1: GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following: ORDER



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

[3310]

FRIDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 23405/2024

Between:

Nimmagadda Abraham and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. B JAYA PRABHAKARA RAO

Counsel for the Respondent(S):

1. GP FOR HOME

2. GP FOR REVENUE

3. GP FOR MINES AND GEOLOGY

The Court made the following Order:

The Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

"..... 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 Tractor bearing No.AP39UW3077 and its Trailer of the 1st Petitioner, Tractor bearing No.AP40AT2927 and its Trailer of the 2nd Petitioner, in connection with FIR.No.177 of 2024 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 Petitioners forthwith.....”

2. Heard Mr.B.Jaya Prabhakara Rao, learned counsel for the petitioners; Mr.Rama Krishna, learned Assistant Government Pleader for Mines and Geology, appearing for the respondent No.1; learned Assistant Government Pleader for Revenue appearing for the respondent No.2 and learned Assistant Government Pleader for Home appearing for the respondent No.3.
3. Learned counsel for petitioners submits that the subject matter of this Writ Petition is squarely covered by the order dated 22.08.2024 passed by this Court in W.P.No.18372 of 2024, wherein this Court has ordered for release of the vehicle on payment of penalty by the petitioners.
4. Learned Assistant Government Pleaders vehemently opposed for grant any relief in the writ petition and prayed to dismiss the same.
5. On considering the submissions of both the learned counsels and upon perusing the material on record, this Court deems fit to dispose of the writ petition in terms of the order dated 22.08.2024 passed in W.P.No.18372 of 2024, at the stage of admission.

6. Accordingly, the writ petition is disposed of in terms of order passed by this Court in W.P.No.18372 of 2024, dated 22.08.2024 and the respondent authorities are directed to impose penalty in terms of Clause 6(III)(Q)(i) of G.O.Ms.No.43, Industries and Commerce (Mines-III), Department, dated 08.07.2024 and on payment of such penalty by the petitioners, the respondents shall release the vehicles i.e., Tractor bearing No.AP39UW3077 and its Trailer of the 1st petitioner, Tractor bearing No.AP40AT2927 and its Trailer of the 2nd petitioner, upon producing their ownership documents of the said vehicles to the satisfaction of the 3rd respondent. There shall be no order as to costs.

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

//TRUE COPY//

Sd/- P.U.V.BHASKAR RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Mines and Geology Department, Secretariat Buildings, Velagapudi, Amaravathi, Gudur District-522237.
2. The Tahsildar, Bhattiprolu, Bapatla District.
3. The Station House Officer, Bhattiprolu Police Station, Bapatla District.
4. One CC to Sri. B Jaya Prabhakara Rao, Advocate [OPUC]
5. Two CCs to GP for Mines And Geology, High Court Of Andhra Pradesh. [OUT]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh.[OUT]
7. Two CCs to GP for Home, High Court of Andhra Pradesh.[OUT]
8. Three CD Copies

HIGH COURT

DATED:18/10/2024

ORDER

WP.No.23405 of 2024



DISPOSING OF THE WRIT PETITION