

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO: 36605 OF 2024

Between:

Sheelam Srinivas, S/o. Komuraiah, aged about 53 years, Occ.owner of Tractor No. TS 02 UC 9920 and Trailer No. TS 02 UC 8812, R/o. H.No.3-32, Lingapur village, Manakondur Mandal, Karimnagar District- 505 505

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Mines and Geology Department, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Manakondur P.S, Manakondur mandal, Karimnagar District.
3. The Tahsildar, Manakondur Mandal, Karimnagar District.
4. The Assistant Director of Mines and Geology, Karimnagar at Karimnagar 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 writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in seizing the Tractor No. TS 02 UC 9920 and Trailer No. TS 02 UC 8812 of the Petitioner, without following any procedure under statutes contemplated under Section 9Q Sub Section 7 of Minor Mineral Concession Rules belonging to me as being illegal, arbitrary and against the principles of natural justice and violative of Articles 14, 16, 19 (g), 21, 300-A and 301 of Constitution of India and consequently direct the respondents to release the Tractor No. TS 02 UC 9920 and Trailer No. TS 02 UC 8812 of the Petitioner.

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 vehicles Tractor No. TS 02 UC 9920 and Trailer No. TS 02 UC 8812 of the Petitioner forthwith pending the disposal of the above Writ Petition.

Counsel for the Petitioner: SRI T.LAKSHMI NARAYANA

**Counsel for the Respondent No.1 & 4: SRI P.VISHAL KUMAR,
AGP FOR MINES AND GEOLOGY**

Counsel for the Respondent No.2: GP FOR HOME

Counsel for the Respondent No.3: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION No.36605 of 2024

Mr. T Lakshmi Narayana, learned counsel for the petitioner.

Mr. P. Vishal Kumar, the learned Assistant Government Pleader for Mines and Geology appearing for the respondent Nos.1 and 4.

ORDER:

Learned counsel appearing for the petitioner as well as the learned Assistant Government Pleader for Mines and Geology submit that the writ petition may be disposed of in terms of the orders passed by the Co-ordinate Benches in similar factual circumstances.

2. The first order placed before the Court was passed on 24.03.2021 in W.P.No.7253 of 2021 and the second order was passed on 13.03.2020 in W.P.No.5711 of 2020. The petitioner also relies on a third order dated 26.02.2020 in W.P.No.4086 of 2020. All the 3 orders involved a prayer for release of the vehicle by the respondent No.2. The Co-ordinate Benches directed the petitioners therein to approach the jurisdictional Magistrate for filing appropriate applications for release of the vehicles and rely on G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015 for that purpose. The petitioners therein were also given liberty to make applications before the respondent No.2 for release of the vehicle and the

respondent No.2 was at liberty to pass appropriate orders on the filing of such applications in terms of the said G.O.

3. The learned Assistant Government Pleader for Mines submits that the petitioner may also be called upon to pay the stipulated penalty as per Clause 12(2) of G.O.Ms.No.15 dated 19.02.2015.
4. Considering the submissions made, this Court deems it fit to direct the petitioner to pay the required penalty before approaching the jurisdictional Magistrate or the respondent No.2.
5. W.P.No.36605 of 2024 is accordingly disposed of giving liberty to the petitioner to approach the jurisdictional Magistrate and to make an application for release of the vehicle. The petitioner shall also be at liberty to directly approach the respondent No.2 for release of the vehicle. The Authority concerned shall act in accordance with G.O.Ms.No.15 dated 19.02.2015. The Authority concerned shall dispose of the application filed by the petitioner within a week from the date of such application being filed for release of the vehicle. The petitioner shall also deposit the required penalty before the Assistant Director of Mines and Geology concerned, within 7 days from 30.12.2024.

6. As submitted by the learned Assistant Government Pleader for Mines and Geology, petitioners in similar cases shall make the Assistant Director of Mines and Geology concerned as a party to such leave applications.

7. Miscellaneous Applications, if any, pending in this writ petition stand closed. There shall be no order as to costs.

SD/- N.RAJA GOPAL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

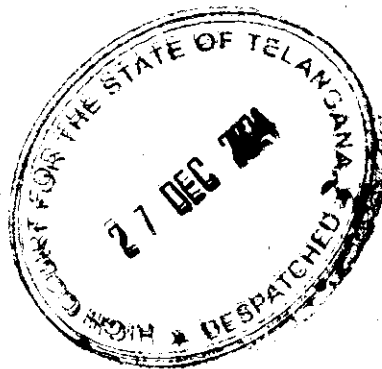
1. The Principal Secretary, Mines and Geology Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Station House Officer, Manakondur P.S, Manakondur mandal, Karimnagar District.
3. The Tahsildar, Manakondur Mandal, Karimnagar District.
4. The Assistant Director of Mines and Geology, Karimnagar at Karimnagar District.
5. One CC to SRI T.LAKSHMI NARAYANA, Advocate [OPUC]
6. Two CCs to GP FOR MINES AND GEOLOGY, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR



HIGH COURT

DATED: 27/12/2024



ORDER

WP.No.36605 of 2024

**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(14)
27/12/24
bns