

(2025) 07 AP CK 0400

In the Andhra Pradesh High Court, Amaravati

Case No : Writ Petition No: 16275 Of 2025

Bandaru Chandra Sekhar

APPELLANT

Vs

State Of Andhra Pradesh & Ors.

RESPONDENT

Date of Decision : 04-07-2025

Acts Referred:

Citation : (2025) 07 AP CK 0400

Hon'ble Judges : T.C.D. Sekhar, J

Bench : Single Bench

Advocate : Ch Venkata Challa Rao

Final Decision : Allowed

Judgement

T.C.D. Sekhar, J

1. The present Writ Petition is filed questioning the action of the 3rd respondent in seizing the lorry bearing registration No.AP 02TH2544 belonging to the petitioner, without following the procedure as contemplated under law.

2. It is the case of the petitioner that, he is the owner of lorry bearing registration No.AP02TH2544. It is further case of the petitioner that, the said lorry was hired by proprietor of M/s. Venkata Sai Minerals for transporting Dolomite chips. It is further case of the petitioner that, when the said vehicle reached Gutti Town, the same was intercepted by the 3rd respondent along with staff and found that the mineral is being transported without valid documents. Thereafter, the vehicle was seized and handed over to the 4th respondent.

3. The petitioner claims that, he approached the authorities repeatedly and despite sending legal notice for release of the subject vehicle, there is no action from the respondents. Questioning the same, the present writ petition is filed.

4. The counsel for petitioner would submit that, if the vehicle is exposed to vagaries of nature, the same cannot be put to use. He would further submit that, the petitioner is no way concerned with the mineral and the same belongs to M/

s. Venkata Sai Minerals, a proprietary concerned and the lorry was only engaged for transporting the same. He would further submit that, the respondents cannot keep the vehicle in their custody without releasing the same.

5. On the other hand, the learned Government Pleader for Mines and Geology would submit that, in similar circumstances this Court passed order dated 10.03.2025 in WP No.5802 of 2025, whereunder the vehicle was directed to release on certain conditions.

6. Having regard to the submissions made by both the counsel and following the conditions imposed in the above writ petition, the present writ petition is allowed with the following directions:

(i). The respondent authorities shall give interim custody of vehicle bearing registration No.AP02TH2544, to the petitioner upon furnishing a personal bond for Rs.3,00,000/-, by producing proof of his ownership.

(ii). The petitioner shall give an undertaking to produce the vehicle as and when required, either by the authority concerned or court or the investigating agency, and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicle.

There shall be no order as to costs.

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