

APHC010188662026



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

[3504]

THURSDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 9487/2026

Between:

1. BACHANABOINA SWAMY, S/O. B.YALLAIAH, AGED ABOUT 35 YEARS, OWNER OF LORRY R/O. 6-81, 6-81, AREGUDEM, JANAGAM, NALGONDA DISTRICT - 508253, TS.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUTUR DISTRICT-522237.

2. THE TAHSILDAR, JAGGAIHPET MANDAL, NTR DISTRICT-521178.

3. THE STATION HOUSE OFFICER, CHILLAKALLU POLICE STATION, NTR COMMISSIONERATE, NTR DISTRICT-521178.

...RESPONDENT(S):

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 Lorry bearing No.TG30T3366 of the Petitioner in connection with FIR No.65 of 2026 without following the procedure known to the law under APMCM 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 Petitioner forthwith in the interest of justice

IA NO: 1 OF 2026

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 Lorry bearing NO.TG30T3366 of the Petitioner pending disposal of the above writ petition in the interest of justice

Counsel for the Petitioner:

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:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 9487 of 2026****ORDER:-**

The present Writ Petition has been filed under Article 226 of the Constitution of India seeking the following main prayer:

“..... 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 Lorry bearing No.TG30T3366 of the Petitioner in connection with FIR No.65 of 2026 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 Petitioner forthwith in the interest of justice...”

2. Heard Sri B.Jaya Prabhakara Rao, learned counsel for the petitioner and learned Government Pleader for Mines and Geology appearing for the respondents. With the consent of both the parties, the Writ Petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner contends that the petitioner has been using the subject vehicle i.e., Lorry bearing No.TG 30 T 3366 for commercial use on hire. On 06.04.2026, basing on the complaint, the 3rd respondent herein seized the above said vehicle alleging that the petitioner has been transporting sand without valid documents.

4. Learned counsel for the petitioner submits that the 3rd respondent has illegally seized the vehicle of the petitioner and registered Crime No.68 of

2026 of Chilla Kallu Police Station under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of Andhra Pradesh Water, Land and Trees Act (APWALTA), 2002. Hence, he prays the Court to direct the respondents to release the petitioner's vehicle, in support of his contentions, the learned counsel for the petitioner relies on a decision of this Court in W.P.No.17948 of 2025, and prays the Court to dispose of the Writ Petition in terms of the said order. He further relies on G.O.Ms.No.100 dated 26.06.2025.

5. The relevant clauses of Rule 9-B (19) of G.O.Ms.No.100 Industries & Commerce (Mines-II) Department, dated 26.06.2025 are extracted hereunder, which read as follows:

“Rule 9-B

x x x

(19) Offences and Penalties:

a) In the case of the vehicles engaged in illegal/ Un-authorized excavation in the prohibited areas (i.e. within 500 meters from the Ground water structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State and found transporting sand without valid permit shall be penalized as follows:

Vehicle Type	First Time (In Rs.)	Second Time (In Rs.)
<i>Tractor</i>	<i>Upto 10,000/-</i>	<i>Rs. 10,001/- to 20,000/-</i>
<i>Lorry fitted with upto 10 tires capacity</i>	<i>Upto 25,000/-</i>	<i>Rs.25,001/- to 50,000/-</i>
<i>Lorry fitted with above 10 tires</i>	<i>Upto 50,000/-</i>	<i>Rs.50,001/- to 1,00,000/-</i>
<i>Machinery</i>	<i>Upto 50,000/-</i>	<i>Rs.50,001/- to 1,00,000/-</i>

Thus, he argues that the authorities cannot seize the vehicle for any alleged violations, they could, at the best levy only penalties.

6. In addition, the Hon'ble Supreme Court, in the case of ***Sunderbai Ambalal Desai Vs. State of Gujarat***, in its expression held that merely keeping vehicles would not serve any fruitful purpose.

7. Considering the submissions made by both and keeping in view the earlier orders passed by this Court, this Court is inclined to dispose of the writ petition at the stage of admission with the consent of learned counsel for both parties, with the following directions:

- A) The respondent authorities are directed to pass appropriate orders in terms of Rule 9-B(19) of G.O.Ms.No.100 Industries & Commerce (Mines-III) Department, dated 26.06.2025, for levying penalty if any;
- B) After levy of penalty and on payment of such penalty, the petitioner shall produce the receipt of such payment and ownership documents of the vehicle to the satisfaction of the 3rd respondent;
- C) In such an event, the 3rd respondent is hereby directed to release the seized vehicle i.e., Lorry bearing No.TG 30 T 3366 in favour of the petitioner.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 09.04.2026

RMR

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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09.04.2026

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