

APHC010078572026



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

[3504]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 4447 OF 2026

Between:

1. AYINALA MANIKANTA, S/O. NAGESWARA RAO, AGED ABOUT 30 YEARS, OCC OWNER OF VEHICLE, R/O. 2-3, PATHAPETA, VENKATAYAPALEM, CHERUKUMILLI, GOPALAPURAM, EAST GODAVARI DISTRICT -534316.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522237.
2. THE TAHSILDAR, GOPALAPURAM, EAST GODAVARI DISTRICT-534316.
3. THE STATION HOUSE OFFICER, GOPALAPURAM POLICE STATION, EAST GODAVARI DISTRICT-534316.
4. THE ASSISTANT EXECUTIVE ENGINEER, PIPRMC SUB-DIVISION-1, DEVARAPALLI, EAST GODAVARI DISTRICT-534313.

...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.AP39Y4465 of the Petitioner without following the relevant procedure established by law under APMC

Rules, 1966 as illegal, irregular, arbitrary and contrary to the procedure established by law and violative of Articles 14, 21 and 19(1)(g) of the Constitution of India and consequently direct the respondents to release the said vehicle of the Petitioner forthwith in the interest of justice and pass

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.AP39Y4465 Petitioner pending disposal of the above writ petition in the interest of justice and pass

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 IRRI AND CAD

4.GP FOR MINES AND GEOLOGY

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed for 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 Lorry bearing No.AP 39 Y 4465 of the Petitioner without following the relevant procedure established by law under APMMC Rules 1966 as illegal irregular arbitrary and contrary to the procedure established by law and violative of Articles 14 21 and 19(1)(g) of the Constitution of India and consequently direct the respondents to release the said vehicle of the Petitioner forthwith in the interest of justice and pass”

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

3. Learned counsel for the petitioner submits that the petitioner’s vehicle was seized by the 3rd respondent without authority of law and in violation of the provisions of Sub-Rule (3)(iii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966. He further submits that a direction may be given to the respondent authorities to pass appropriate orders for the release of the vehicle, and he relies on the decision of this Court passed in W.P.No.1570 of 2026 dated 20.01.2026.

4. Learned Assistant Government Pleader for Mines and Geology appearing for the respondents did not refute the submission made by the learned counsel for the petitioner since the issue involved in this writ petition is squarely covered by an earlier decision of this Court.

5. Considering the submissions made and with the consent of learned counsel for both the parties, this Court is inclined to dispose of the writ petition at the stage of admission.

6. In addition, the Hon'ble Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat***¹, in its expression held that merely keeping vehicles would not serve any fruitful purpose.

7. Apart from the above, it has been brought to the notice of this Court by the respective counsel that similar orders have been passed in identical matters. Thus, this Court is inclined to pass a similar order.

8. Accordingly, by following the aforesaid judgments, the writ petition is disposed of, directing the 3rd respondent to pass orders in terms of Sub-Rule (3)(iii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 and collect the due seigniorage fee and penalty as per law and release the vehicle bearing No.AP 39 Y 4465 seized by the 3rd respondent to the petitioner within a period of one (01) week from the date of receipt of the copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, in this writ petition shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 16.02.2026.
BSK

¹ 2002 (10) SCC 283

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Date: 16.02.2026.
BSK