



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

[3504]

TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 8440/2026

Between:

1. KANAGALA RAJESWARI, , W/O. BALA KRISHNA, AGED 39 YEARS,
R/O. D.NO. 2-60, INDIRA NAGAR-2, YENAMALAKUDURU,
PENAMALURU MANDAL, KRISHNA DISTRICT, ANDHRA PRADESH-
520007.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS. PRINCIPAL
SECRETARY, MINES AND GEOLOGY DEPARTMENT, VELAGAPUDI,
GUNTUR DISTRICT-522237
2. THE TAHSILDAR, REDDIGUEM MANDAL, NTR DISTRICT, ANDHRA
PRADESH-2. 521215.
3. THE STATION HOUSE OFFICER, REDDIGUEM POLICE STATION,
NTR DISTRICT ANDHRA PRADESH-521215.

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in seizing the Lorry Bearing No. AP 39 TB 2112 of the petitioner without following any procedure under statutes as illegal, arbitrary and violative of the procedure contemplated under the A.P. Minor Mineral Concession Rules, 1966 AND provisions of the Mines and Minerals (Development AND Regulation) Act, 1957., and the rules made there under apart from being violation of Article 14, 19(1)(g) and 300-A of Constitution of India and consequently direct the respondents to release the vehicle of the petitioner from their custody 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 Pleased to direct the 2ND and 3RD respondents to grant interim custody the Lorry Bearing No. AP 39 TB 2112 of the petitioner pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1. CHETAN PONNURU

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:**

This Writ Petition under Article 226 of the Constitution of India is filed for the following relief:

“declaring the action of respondents in seizing the Lorry bearing No. AP 39 TB 2112 of the petitioner without following any procedure under statutes as illegal, arbitrary and violative of the procedure contemplated under the A.P. Minor Mineral Concession Rules, 1966 and provisions of the Mines and Minerals (Development and Regulation) Act, 1957., and the rules made there under apart from being violation of Article 14, 19(1)(g) and 300-A of - Constitution of India and consequently direct the respondents to release the vehicle of the petitioner from their custody 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 is the owner of the vehicle bearing No. AP 39 TB 2112, and he has been using the

subject vehicle for transportation purposes only. While so, the respondent No.3 herein has seized the vehicles alleging that the petitioner has been transporting the sand without valid documents.

4. Learned counsel for the petitioner further submits that the respondent No.3 has illegally seized the vehicles of the petitioner and registered an FIR No.48 of 2026 of Reddigudem Police Station under Sections 303 (2) of Bharatiya Nyaya Sanhita, 2023, 27, 35 of APWALTA. Hence, learned counsel for the petitioner prays the Court to direct the respondents to release the vehicle forthwith.

5. In support of his contentions, the learned counsel for the petitioner relied on a decision of this Court in W.P.No.2222 of 2026 and prayed this 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.

6. On the other hand, 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.

7. In this context, it is apt to note the relevant Rule 9B-(19) of the said G.O.Ms.No.100 Industries and Commerce (Mines-II), Department, dated 26.06.2025, which reads as follows:

Q. Offences and Penalties:

- i. In 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 Sand Way bill /invoice shall be penalized as follows;

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

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

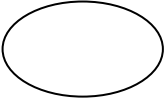
8. Considering the submissions made by both and keeping in view the earlier orders passed by this Court, this Court is inclined to dispose of the writ petition at the stage of admission with the consent of learned counsel for both parties, with the following directions:

- A) The respondent authorities are directed to pass appropriate orders in terms of Rule 9-B(19) of G.O.Ms.No.100, Industries and 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 to the petitioner.

There shall be no order as to costs. Miscellaneous petitions pending if any, shall stand closed.

Date:31.03.2026
GVK

MAHESWARA RAO KUNCHEAM, J



THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.8440 of 2026

Date:31.03.2026

GVK