



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

[3504]

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 9576/2026

Between:

1. LINGA SWAMY CHEERA, S/O. CHEERA VENKAIAH, AGED ABOUT 44 YEARS, OWNER OF LORRY R/O. 2-118/1, CHERUGHATTU (V), NARKETPALLY, NALGONDA DISTRICT - 508254, 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, JAGGAIAHPET 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.TS05UF6566 of the Petitioner in connection with FIR No.67 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 vehicle of the Petitioner forthwith 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 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 the 3RD Respondent in seizing the Lorry bearing No.TS05UF6566 of the Petitioner in connection with FIR No.67 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 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 is the owner of the vehicle bearing No. TS 05 UF 6566, and he has been using the subject vehicle for transportation purposes only. While so, the respondent

No.3 herein has seized the vehicle 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 vehicle of the petitioner and registered an FIR No.67 of 2026 of Chillakallu Police Station under Sections 303 (2) of Bharatiya Nyaya Sanhita, 2023, 27 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.17948 of 2025 and prays 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:

“Rule 9-B

xxx

(19). 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, the authorities cannot seize the vehicle for any alleged violations, they could, at the best, levy only penalties.

8. 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.

9. 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;

¹ 2002 (10) SCC 283

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 bearing No. TS 05 UF 6566 in favour of the petitioner.

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

Date: 10.04.2026
GVK

MAHESWARA RAO KUNCHEAM, J

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THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.9576 of 2026

Date:10.04.2026

GVK