



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

[3457]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 10551/2026

Between:

1. NELAVALLI SAI KRISHNA,, S/O.SUDHAKAR NAIDU, AGED ABOUT
30 YEARS, R/O.3-1-156, RAJAGOPALA PURAM, NAIDUPETA,
NELLORE DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, MINES SS GEOLOGY DEPARTMENT, SECRETARIAT,
VELAGAPUDI AT AMARAVATHI, GUNTUR DISTRICT-522238.
2. THE ASSISTANT DIRECTOR OF MINES AND GEOLOGY, REGIONAL
VIGILANCE SQUAD, ONGOLE, PRAKASAM DISTRICT-523001.
3. THE STATION HOUSE OFFICER, P.C.PALLI (PEDA CHERLOPALLI)
POLICE STATION, PRAKASAM DISTRICT, ANDHRA PRADESH-
523117.

...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 topleased to issue a Writ of Mandamus, or other appropriate writ, order or direction, declaring the action Respondent No.2 and 3 herein in seizing the vehicle bearing No.AP 39 UV 9779 without following the procedure contemplated under law as illegal, arbitrary, violation of procedure contemplated under the APMML Rules, 1966 and violative of Articles 19 and 21 of Constitution of India and besides contrary to the principles of natural

justice and consequently direct the respondents herein to release the vehicle of the petitioner from their custody

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 Respondent Nos.2 and 3 herein to grant interim custody of the vehicle bearing No.AP 39 UV 9779 of the petitioner, pending disposal of the writ petition

Counsel for the Petitioner:

1.P L NARASIMHA RAO

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR MINES AND GEOLOGY

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION No.10551 OF 2026

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 Tipper Lorry bearing No.AP 39 UV 9779 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”

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.9858 of 2026 dated 10.04.2026.

4. 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 petitioners since the issue involved in this writ petition is squarely covered by an earlier decision of this Court.

5. It is appropriate to extract the relevant Sub-Rule (3)(iii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966:-

“For the sub-rule 3(iii) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966: If the Driver or owner of the vehicle fails to produce a valid transit permit issued by the concerned Assistant Director of Mines and Geology or an officer authorized by the Director of Mines and Geology, the officer in charge of the check post or barrier or during the interception of the movement of the vehicle, may require the Driver or the owner of the vehicle to pay five times of the normal Seigniorage fee as penalty in addition to the normal Seigniorage fee along with DMF and MERIT amounts for the quantity not covered under the transit permit.”

6. Further, the Hon’ble Division Bench of this Court in **Naganath Vs. State of A.P.** (W.A.No.4 of 2021) interpreted the above quoted Rule and categorically held at para No.7 as under:

“.....On a reading of the above Rule, there is nothing to indicate, the vehicle cannot be released, unless the penalty and 5 seigniorage fee is paid. All that the rule states is that the penalty equal to market value of the mineral seized along with seigniorage fee prevalent at that time can be ordered to be paid at the time of interception of the vehicle, if driver or person-in-charge of the vehicle fails to produce a valid permit. But, nowhere the Rule postulates that the vehicle cannot be released, unless the same is paid.”

7. In view of the above rule position as well as in view of the above unequivocal dictum of the Hon’ble Division Bench, this Court is inclined to dispose of the writ petition at this stage with the consent of both parties.

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.

¹ 2002 (10) SCC 283

9. 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.

10. 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 2nd respondent is directed to pass appropriate 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;
- 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 of the petitioner bearing No.AP 39 UV 9779.

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

JUSTICE HARINATH.N

Dated :20.04.2026

Note : CC by 22.04.2026

B/o.NKA

96

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.10551 of 2026

Dated 20.04.2026

CC by 22.04.2026

KGM