



**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: 10595/2026

Between:

1. MALYADRI KALLURI,, S/O. MALA KONDAIAH, AGED 38 YEARS, R/O. FLAT NO. 402, BALAJI RESIDENCY, TELEPHONE COLONY, BHAVANIPURAM, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.
2. KOVI LAKSHMI NARAYANA,, S/O. MAHALAKSHAMAIAH, AGED 47 YEARS, R/O. 1-4- 265/A, THUMMAVARI VEEDHI, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS. PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT, SECRETARIAT BUILDINGS AT VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH-522237.
2. THE DISTRICT MINES AND GEOLOGY OFFICER, GUNTUR DISTRICT, GUNTUR-522502.
3. THE STATION HOUSE OFFICER, , THULLURU POLICE STATION, GUNTUR DISTRICT, ANDHRA PRADESH-522237.

...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 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 Tipper Lorries bearing Nos. AP 39 WQ 1122 and AP 39 UD 1449 of the petitioners 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 vehicles of the petitioners from their custody and pass such

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 may be pleased to direct the 2nd and 3rd respondents to grant interim custody the Tipper Lorries bearing Nos. AP 39 WQ 1122 and AP 39 UD 1449 of the petitioners, pending disposal of the above writ petition and pass such

Counsel for the Petitioner(S):

1. CHETAN PONNURU

Counsel for the Respondent(S):

1. GP FOR MINES AND GEOLOGY

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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 Lorries bearing No.AP 39 WQ 1122 and AP 39 UD 1449 of the petitioners 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 petitioners and learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

3. Learned counsel for the petitioners submits that petitioners' vehicles were 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 vehicles of petitioners bearing Nos.AP 39 WQ 1122 and AP 39 UD 1449.

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

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Dated 20.04.2026

CC by 22.04.2026

NKA