



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

[3504]

**FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 11277/2026

Between:

1. BATTATTAIAH, S/O. CHINNA VENKANNA, AGED 35 YEARS, R/O. 1-70, MUSALAMADUGU, BURGAMPAHAD, KHAMMAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MINES GEOLOGY DEPARTMENT, SECRETARIAT BUILDINGS AT VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH-522237.
2. THE TAHSILDAR, KUKUNOOR MANDAL, ELURU DISTRICT, ANDHRA PRADESH- 534444.
3. THE STATION HOUSE OFFICER, KUKUNOOR POLICE STATION, ELURU DISTRICT, ANDHRA PRADESH-534444.

...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 Tata Hitachi bearing No. EX-130 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 provisions of the Mines and Minerals (Development - 4 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

Counsel for the Petitioner:

1. CHETAN PONNURU

Counsel for the Respondent(S):

1. GP FOR MINES AND GEOLOGY

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 11277 of 2026

ORDER:-

The instant writ petition has been filed by the petitioner under Article 226 of Constitution of India seeking the following main prayer:

“...issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in seizing the Tata Hitachi bearing No. EX-130 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 provisions of the Mines and Minerals (Development - 4 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 Sri Chetan Ponnuru, 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 i.e., Tata Hitachi Excavator bearing No.EX-130 and he has been using the subject vehicle for transportation purpose only. While so, on 20.04.2026, 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 submit that the respondent No.3 has illegally seized the vehicle of the petitioner and registered an FIR in Crime No.41 of 2026 of Kukunoor Police Station under Sections 329(3), 318(4), 303(2) of Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of MMDARA, 3 PDPP Act. Hence, learned counsel for the petitioner prays the Court to direct the respondents to release the vehicles 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;

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

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

8. Considering the submissions made and on perusal of the written instructions placed on record, in view of the earlier orders passed by this Court and with consent of learned counsel for both the parties, this Court is inclined to dispose of the writ petition at the stage of admission.

9. Accordingly, the present writ petition is disposed of as follows:

- A) Directing the respondent authorities 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 vehicles 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 i.e., Tata Hitachi Excavator bearing No.EX-130.

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

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 24.04.2026
RMR

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THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION No.11277 of 2026

Date: 24.04.2026

RMR