



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

**[3548]**

FRIDAY, THE FIFTEENTH DAY OF MAY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 14488/2026**

**Between:**

1. SRI. V. NAGESH, S/O. LATE VENKATESH, AGED ABOUT 45 YEARS, R/O LAKSHMIPURAM VILLAGE, KUPPAM MANDAL CHITTOOR DISTRICT, ANDHRA PRADESH - 517 425

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. 522 238

2. THE DIVISIONAL DIRECTOR OF MINES AND GEOLOGY OFFICER, PALAMANER, CHITTOOR DISTRICT, 517 408

3. STATION HOUSE OFFICER, INSPECTOR OF POLICE, KUPPAM URBAN, POLICE STATION, KUPPAM MANDAL, CHITTOOR DISTRICT, ANDHRA PRADESH. 517 425

**...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 order, writ or direction more particularly in the nature of Writ of Mandamus Under Article 226 of the Constitution of India declaring the action of Respondents in seizing the Vehicle/Machinery of the Bearing No. TATA HITACHI MECHINE-ZAXIS220LC-GI of the Petitioners without following any procedure under statutes as illegal, arbitrary and violative of

Articles 19, 21 of Constitution of India and consequently direct the respondents to release the vehicle 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 2<sup>nd</sup> respondent to grant interim custody of Machinery/Vehicle Bearing No. TATA HITACHI MECHINE-ZAXIS220LC-GI to the Petitioners, pending disposal of the above writ petition and pass such

**Counsel for the Petitioner:**

1. G N UMA RANI

**Counsel for the Respondent(S):**

1. GP FOR MINES AND GEOLOGY

**The Court made the following:**

**ORDER:**

The instant Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:

*“....may be pleased to issue an order writ or direction more particularly in the nature of Writ of Mandamus Under Article 226 of the Constitution of India declaring the action of Respondents in seizing the Vehicle/Machinery of the Bearing No TATA HITACHI MECHINE-ZAXIX220LC-G1 of the Petitioners without following any procedure under statutes as illegal, arbitrary and violative of Articles 19, 21 of Constitution of India and consequently direct the respondents to release the vehicle from their custody and pass such”*

2. Heard Smt.G.N.Uma Rani, learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology appearing for the respondents. With the consent of both the learned counsel, the Writ Petition is being disposed of at the stage of admission.

3. It is argued by the learned counsel for the petitioner that the authorities intercepted the vehicle/machinery bearing No.TATA HITACHI MACHINE-ZAXIX220LC-G1 belonging to the petitioner, while the said machinery was given for hire to one G.Gopi for levelling of the agricultural lands at Guttapalli Village, Kuppam Mandal. The petitioner had produced the necessary documents. The petitioner contends that the authorities had no authority to seize the vehicle and prays for release of the vehicle.

4. Learned counsel for the petitioner relies on a decision of the Division Bench of this Court in ***Naganath vs. State of Andhra Pradesh***<sup>1</sup>, wherein it was observed as follows:

*“Having regard to the usage of the word, 'driver' or 'person-in-charge of the vehicle', the Government Pleader tried to contend that even for release of the vehicle, the owner or the person claiming release of the vehicle has to pay penalty equal to the market value of the mineral along with seigniorage fee prevalent at that time. On a reading of the above Rule, there is nothing to indicate, the vehicle cannot be released, unless the penalty and 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.”*

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<sup>1</sup> 2021 (2) ALD 535

5. It is stated that, relying on the above decision of the Division Bench, certain Writ Petitions were disposed of earlier. One such decision is placed before me in Writ Petition No.12821 of 2026, dated 07.05.2026. Placing reliance on the same, the present Writ Petition is disposed of with the following directions:

- i. The respondent authorities shall give interim custody of the vehicle/machinery bearing No.TATA HITACHI MACHINE-ZAXIX220LC-G1 to the petitioner upon furnishing a personal bond for Rs.2,00,000/- (rupees two lakhs only) and producing proof in support of his ownership of the vehicle;
- ii. The petitioner shall give an undertaking to produce the subject vehicle as and when required either by the authority concerned or Court or the Investigating Agency and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicle.

There shall be no order as to costs.

6. As a sequel, Interlocutory Applications pending, if any, shall stand closed.

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**TUHIN KUMAR GEDELA, J**