



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

[3331]

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 15364/2026

Between:

- 1.KANCHARLA RAJESH, S/O. VENKATESWARA RAO, AGED ABOUT 28 YEARS, R/O. 16-73, MAIN ROAD, JUVVALAPALEM, KOLLURU, BAPATIA DISTRICT - 522257.
- 2.KANCHARLA VENKATESWARAMMA,, W/O. VENKATESWARA RAO, AGED ABOUT 50 YEARS, R/O. 16-73, MAIN ROAD, JUVVALAPALEM, KOLLURU, BAPATIA DISTRICT - 522257.
- 3.GURRAM RAMA KOTESWARA RAO,, S/O.NANCHARAI AH, AGED ABOUT 24 YEARS, R/O. 8-56, GOWNLAPALEM, THIPPALAKATTA, KOLLURU MANDAL BAPATIA DISTRICT - 522257.
- 4.GURRAM NANCHARAI AH, S/O.MADHUSUDANA RAO, AGED ABOUT 50 YEARS, R/O. 8-56, GOWNLAPALEM, THIPPALAKATTA, KOLLURU MANDAL BAPATIA DISTRICT - 522257.
- 5.TENALI RAJAMMA, W/O.BABU RAO, AGED ABOUT 53 YEARS, R/O. 6-60, KARUMURU, REPALLE, BAPATIA DISTRICT - 522265.
- 6.GUNTURU NAGAMANI,, W/O.RAMESH, AGED ABOUT 33 YEARS, R/O. 14-1-3, 6-60, KARUMURU REPALLE, BAPATIA DISTRICT - 522265

...PETITIONER(S)

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, CHALLAPALLI, KRISHNA DISTRICT-521126.

3. THE STATION HOUSE OFFICER, CHALLAPALLI POLICE STATION,
KRISHNA DISTRICT-521126.

...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 Tractor bearing No.AP39UE2086 and its trailer No.AP39TB8687 of the 1st and 2nd Petitioner, Tractor bearing NO.AP39WR1905 and its trailer No.AP39VA4671 of the 3rd and 4th Petitioners, Tractor bearing No.AP07TG8873 and its trailer NO.AP07TG8874 of the 5th Petitioner and Tractor bearing NO.AP07TH4904 and its trailer of the 6th Petitioner in connection with FIR No. 187 of 2026 without following the procedure known to the law under APMCM 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 vehicles of the Petitioners along with cell phones forthwith in the interest of justice 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 to direct the respondents to release the Tractor bearing NO.AP39UE2086 and its trailer No.AP39TB8687 of the 1st and 2nd Petitioner, Tractor bearing No.AP39WR1905 and its trailer NO.AP39VA4671 of the 3rd and 4th Petitioners, Tractor bearing NO.AP07TG8873 and its trailer No.AP07TG8874 of the 5th Petitioner and Tractor bearing No.AP07TH4904 and its trailer of the 6th Petitioner along with cell phones pending disposal of the above writ petition in the interest of justice and pass

Counsel for the Petitioner(S):

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:

Heard Sri B.Jaya Prabhakara Rao, learned counsel for the petitioners, Ms. B.Sravani, learned Assistant Government Pleader for Mines and Geology for the respondents 1 and 2, and learned Assistant Government Pleader for Home for the 3rd respondent.

2. The above writ petition was filed to declare the action of the 3rd respondent in seizing the vehicles belonging to the petitioners, Tractor bearing Nos. AP39UE2086 and its trailer No.AP39TB8687, AP39WR1905 and its trailer No.AP39VA4671, AP07TG8873 and its trailer No.AP07TG8874 and AP07TH4904 and its trailer, in connection with FIR.No.187 of 2026 of Challapalli Police Station as illegal and arbitrary.

3. Learned counsel for the petitioners would submit that the petitioners are the owners of the aforementioned vehicles and have been using them for transportation purposes. While so, the 3rd respondent seized the vehicles on 08.06.2026 when the vehicles were at Krishna River Ramp, Amudarlanka Village, Challapalli Mandal, alleging that the sand was being transported without valid bills.

4. Learned counsel for the petitioners would further submit that the 3rd respondent illegally seized the vehicles and registered FIR.No.187/2026 dated 08.06.2026 under Sections 303(2) BNS, 27 APWALTA and 21(4) MMDARA. Learned counsel for the petitioners prayed directing the respondents to release the vehicles. He also relied upon the order in W.P.No.17948 of 2025.

5. Learned Assistant Government Pleader for Mines and Geology and learned Assistant Government Pleader for Home did not refute the submission made by the learned counsel for the petitioners since the issue involved in the writ petition is squarely covered by the order in the aforementioned writ petition.

6. Rule 9B-(19) of G.O.Ms.No.100 Industries and Commerce (Mines-II), Department, dated 26.06.2025, 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.)
<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>

A plain reading of Rule 9, the authority could not have seized the vehicles for the alleged violations and, at best, levy penalties.

7. The Hon’ble Supreme Court, in ***Sunderbhai Ambalal Desai vs. State of Gurajat***,¹ observed that merely keeping vehicles would not serve any fruitful purpose.

8. Given the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with the consent of all the learned counsel, with the following directions:

i) The respondent authorities are directed to pass appropriate orders in terms of Rule 9B-(19) of G.O.Ms.No.100 Industries and Commerce (Mines-II), Department, dated 26.06.2025, for levying penalty, if any;

¹2002 (10) SCC 283

ii) After levy of penalty and on payment of such penalty, the petitioners shall produce the receipt of such payment and ownership documents of the vehicles to the satisfaction of the 3rd respondent;

iii) In such an event, the 3rd respondent is hereby directed to release the seized vehicles bearing Nos.AP39UE2086 and its trailer No.AP39TB8687, AP39WR1905 and its trailer No.AP39VA4671, AP07TG8873 and its trailer No.AP07TG8874 and AP07TH4904 and its trailer;

iv) There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 11.06.2026
SNI

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 15364 of 2026

Date: 11.06.2026
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