



**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: 15376/2026

Between:

- 1.MEKA NAGA BABU, C/O CHANDRA SEKHAR RAO, AGED 38 YEARS, R/O. 1-54, BRAMAM GARI GUDI ROAD, VIJAYAWADA RURAL, NTR DISTRICT, ANDHRA PRADESH.
- 2.DANDUGULA RAJESH,, S/O NARASIMHA RAO, AGED 38 YEARS, R/O 5-39, IBRAHIMPATNAM, RYTHU BAZAR, NTR DISTRICT, ANDHRA PRADESH.
- 3.KARYAMSETTY SURESH BABU,, C/O KALYAN RAO, AGED 40 YEARS, R/O. D NO. 133- 6-1533, 1ST LINE, TELECOM NAGAR, GORANTIA, GUNTUR DISTRICT, ANDHRA PRADESH. .
- 4.DANDUGULA RAGHAVARAJU, , S/O NARASIMHA RAO, AGED 44YEARS, R/O 26-75, IBRAHIMPATNAM, BHIMARAJU GUNTA, NTR DISTRICT, ANDHRA PRADESH

...PETITIONER(S)

AND

- 1.THE STATE OF AP, 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, MANGALAGIRI RURAL 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 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 TU 4646, AP 39 TV 6789, AP 39 UL 1167 and AP 39 UM 0689 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

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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 2nd and 3rd respondents to grant interim custody the Tipper Lorries bearing Nos. AP 39 TU 4646, AP 39 TV 6789, AP 39 UL 1167 and AP 39 UM 0689 of the petitioners, pending disposal of the above writ petition and pass

Counsel for the Petitioner(S):

1. CHETAN PONNURU

Counsel for the Respondent(S):

1. GP FOR HOME

2. GP FOR MINES AND GEOLOGY

The Court made the following order:

Heard Sri Chetan Ponnuru, 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, bearing Nos. AP39TU4646, AP39TV6789, AP39UL1167 and AP39UM0689, in connection with the FIR.No.224 of 2026 of Mangalagiri 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 28.05.2026 when the vehicles were at Reservoir Project, Neerukonda Village, Mangalagiri Mandal, alleging that the black soil 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.224/2026 dated 28.05.2026 under Sections 303(2) BNS 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. It is appropriate to extract the 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, 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.”

7. A Division Bench of this Court in **Naganath Vs. State of A.P.** (WA 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.”

8. 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.

10. 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 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;

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 vehicle 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. AP39TU4646, AP39TV6789, AP39UL1167 and AP39UM0689;

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

¹2002 (10) SCC 283

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