



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

[3457]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 33959/2025

Between:

1. BALLA VENKATA SUBBA RAO, S/O. RAMAKRISHNA AGED ABOUT 42 YEARS, OWNER OF LORRY, R/O. H.NO.4-93, SIVALAYAM STREET, SREENIVASAPURAM, JANGAREDDIGUDEM MANDAL, ELURU DISTRICT-534447.

...PETITIONER

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, JEELUGUMILLI, ELURU DISTRICT.
3. THE STATION HOUSE OFFICER, JEELUGUMILLI POLICE STATION, ELURU DISTRICT.

...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 Lorry bearing No.AP39UW3566 of the Petitioner in connection with FIR No. 131 of 2025 without following the procedure known to the law under APMMLC 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 Petitioner forthwith in the interest of justice and pass

IA NO: 1 OF 2025

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 Lorry bearing No. AP39UW3566 of the Petitioner pending disposal of the above writ petition in the interest of justice and pass

Counsel for the Petitioner:

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:-

The writ petition is filed challenging the action of the 3rd respondent in seizing the Lorry bearing No.AP-39-UW-3566 belonging to the petitioner, in connection with FIR No.131 of 2025, without following the procedure under the Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. Heard Sri B. Jaya Prabhakara Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology. With the consent of both the parties, the writ petition is disposed of at the stage of admission.

3. Learned counsel for the petitioner contends that the petitioner has been using the subject vehicle for commercial use on hire. On 01.12.2025, when the vehicle was at outskirts of Dharbhagudem Village, Jellugumilli Mandal, the 3rd respondent herein seized the vehicle alleging that the petitioner has been transporting sand without valid documents.

4. Learned counsel for the petitioner submits that the 3rd respondent has illegally seized the vehicle of the petitioner and registered FIR No.131 of 2025 under Section 303(2), 318(4) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023, 21(1) MMDARA. Hence, he prays the Court to direct the respondents to release the vehicle. In support of his contentions, the learned counsel for the petitioner relies on a decision of this Court in W.P.No.17948 of 2025, and prays the 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.

5. The relevant clauses of Clause 19(a) of the said G.O.Ms.No.100 Industries & Commerce (Mines-II) Department, dated 26.06.2025, read as follows:

19. Offences and Penalties:

(a). In case of the vehicles engaged in illegal/ un-authorized excavation in the prohibited areas (i.e., within 500 meters from the Groundwater structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State and found transporting sand without valid permit 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>

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

6. Considering the submissions of both the learned counsel and upon perusing the material on record, the Writ Petition is disposed of in terms of the order passed in W.P.No.17948 of 2025, dated 16.07.2025 directing the respondent authorities to pass appropriate orders in terms of clause 19(a), of G.O.Ms.No.100 Industries & Commerce (Mines-II) Department, dated 26.06.2025, for levying penalty, if any. After the levy of penalty, and on

payment of such penalty, the seized vehicles shall be released by the 3rd respondent on producing the receipt of such payment and ownership documents of the vehicles to the satisfaction of the 3rd respondent. There shall be no order as to costs.

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

JUSTICE HARINATH.N

05.12.2025
PNS