APHC010547552026

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

FRIDAY, THE 16th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 30094 OF 2026

Between:

1. SALVA KUMAR, S/o P.Chinna Tambi age 33 years, W.No.2, H.No. 29, Moka Gonamal, Ballari, Karnataka-583117 (a) R 215 L Hydraulic Excavator HYND E6 M4 EE0061934 (b) R 215 L Hydraulic Excavator HYND N 635 HE 0069699

2. R.Suresh, S/o P.Raju, age 28 years, H.No. 1-726-1/A1, Annanagar, Natham P.0, Dindigul District, Tamilnadu-624401. (a) R 215 L Hydraulic Excavator HYND N63 5LE0068664 (b) Ssy100000883/HYD CRAWELER Exc. S.No. 23SY 215 0001781 (c) Tractor- CO210F196NX120321

3. Vinay Kumar H.R, S/o Basavana Goud H.R. aged 28 years, Siruguppa Road, Opp Sriramulu House, Mavambavi, Bellary, Karnataka-583101 Tractor- KA 66 T 1126.

4. T.Jumedin SAB, S/o Shashasab, age 43 years, R/o 102, W.No.2, Mincheri, Bellary, Karnataka-583102 Tractor-KA 14 TA 6143.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary Mines and Geology Department, Secretariat, Velagapudi, Amaravati-522238

2. The Director of Mines and Geology, Government of Andhra Pradesh, 2 nd Floor, A-Block, Mayuri Tech Park, Adjacent to NH-16, Mangalagiri Bypass, Near NRI Hospital Exit Road, Guntur District-522503

3. The District Mines and Geology Officer / Assistant Director of Mines and Geology, Anantapuramu District-51001.

4. The Assistant Director, Vigilance Department, C/o District Mines and Geology Office, Kurnool-518001

5. The Station House Officer, Bommanahal Police Station, Anantapuramu District-515871.

6. The Tahsildar, Bommanahal Mandal, Anantapuramu District-515871

...Respondents

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 toissue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of MANDAMUS, declaring the action of the respondents in continued detention of the excavators (1) Model No. R 215 L Hydraulic Excavator and its Serial No. HYND E6 M4 EE0061934 (2) Model No. R 215 L Hydraulic Excavator, Serial No. HYND N 635 HE 0069699 belongs to the 1st petitioner, (3) Model No. R 215 L Hydraulic Excavator, Serial No. HYND N63 5LE0068664, (4) Model No. Ssy100000883/HYD CRAWELER Exc. Serial No. S.No. 23SY 215 0001781, (5) Tractor- 00210F196NX120321 belongs to the 2 nd petitioner, (6) Tractor No. KA 66 T 1126 belongs to the 3rd Petitioner and (7) Tractor No. KA 14 TA 6143 belongs to the 41h petitioner without communicating the specific statutory grounds for such detention and without taking a reasoned decision on the petitioners' requests for release, as arbitrary, unreasonable and contrary to law and consequently direct the respondents to release the said machinery and vehicles forthwith upon compliance with the conditions lawfully applicable there

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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 direct the respondents to release the vehicles of (1) Model No. R 215 L Hydraulic Excavator and its Serial No. HYND E6 M4 EE0061934 (2) Model No. R 215 L Hydraulic Excavator, Serial No. HYND N 635 HE 0069699 belongs to the 1st petitioner, (3) Model No. R 215 L Hydraulic Excavator, Serial No. HYND N63 5LE0068664, (4) Model No. Ssy100000883/HYD CRAWELER Exc. Serial No. S.No. 23SY 215 0001781, (5) Tractor-00210F196NX120321 belongs to the 2nd petitioner, (6) Tractor No. KA 66 T 1126 belongs to the 3 1d Petitioner and (7) Tractor No. KA 14 TA 6143 belongs to the 4th petitioner from the custody of the 5th and 6th respondents, pending disposal of the writ petition

Counsel for the Petitioners: KRUPACHAND GOGINENI

Counsel for the Respondents: GP FOR HOME Counsel for the Respondents:GP FOR REVENUE Counsel for the Respondents:GP FOR MINES AND GEOLOGY

The Court made the following order:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

> *"to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in continued detention of the excavators (1) Model No.R 215 L Hydraulic Excavator and its Serial No. HYND E6 M4 EE0061934 (2) Model No. R 215 L Hydraulic Excavator, Serial No. HYND N 635 HE 0069699 belongs to the 1st petitioner, (3) Model No. R 215 L Hydraulic Excavator, Serial No.HYND N63 5LE0068664, (4) Model No.Ssy100000883/HYD CRAWELER Exc. Serial No.S.No.23SY 215 C001781, (5) Tractor-C0210F196NX120321 belongs to the 2nd petitioner, (6) Tractor No. KA 66 T 1126 belongs to the 3rd petitioner and (7) Tractor No. KA 14 TA 6143 belongs to the 4th petitioner without communicating the specific statutory grounds for such detention and without taking a reasoned decision on the petitioners' requests for release, as arbitrary, unreasonable and contrary to law; and consequently direct the respondents to release the said machinery and vehicles forthwith upon compliance with the conditions lawfully applicable thereto and pass such other order or orders…."*

2. Heard the learned counsel for the petitioners and learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

3. Learned counsel for the petitioners submits that the authorities intercepted the vehicles belonging to the petitioners. At the time of interception, no mineral was loaded in the said vehicle. He further submits that the authorities had no authority to seize the vehicles and prays for release of the vehicles.

4. Learned counsel for the petitioners relies on a decision of the Division Bench of this Court in the case of ***Naganath Vs. State of Andhra Pradesh***[1], 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 1 2021 (2) ALD 535 4 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."*

5. It is stated that relying on the above decision of the Division Bench, the writ petitions were disposed of earlier. One such decision is placed before me in W.P.No.10954 of 2021, dated 06.07.2021, placing reliance on the same, the Writ Petition is disposed of with the following directions:

i) The respondent authorities shall give interim custody of the subject vehicles to the petitioners upon furnishing a personal bond of Rs.2,00,000/- for each vehicle and producing proof in support of their ownership of the vehicles;

ii) The petitioners shall give an undertaking to produce the subject vehicles as and when required either by the authority

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concerned or Court or the Investigating Agency and also give an undertaking that they will not alienate, encumber or alter the physical features of the vehicles.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

Date:16.10.2026
NOTE:C.C. by Today
(B/o)
TPS

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 30094 OF 2026

Date:16.10.2026
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