

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.41794 of 2015

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Order :

This Writ Petition is filed by the petitioners seeking the following relief/s:

“to declare the action of the respondents 3 and 4 in not releasing the petitioner’s vehicles bearing Registration Nos. (Tipper) TS16UA5394, (Tipper) TS16UA2530 and (Tipper) TS16UA5559 is arbitrary, bad and illegal and without jurisdiction and violation of principles of natural justice and violation of Article-14, 16, 19(1)(g), 21, 300-A of the Constitution of India and consequently, direct the respondents to release the petitioner’s vehicles as stated supra, in the interest of justice.”

I have heard the learned Counsel for the petitioners and the learned Additional Government Pleader for Home (TG) appearing for the 4th respondent. I have perused the material record.

The writ petitioners are aggrieved of the inaction of the respondents in releasing their vehicles, the details of which are mentioned in the relief portion of the Writ Petition, which is extracted supra. The petitioners’ vehicles were seized on 15.12.2015 on the allegation that they were found to

have been used in illegal transportation of sand. The petitioners had made their respective applications, dated 18-12-2015, for release of their vehicles, to respondent no.3. The only grievance of the petitioners is that no action is being taken on their applications.

At the hearing, the learned Counsel for both the parties submitted that as per G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08-01-2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19-02-2015, respondent no.4, who is stated to have seized the vehicles, is competent to release the same. In view of the same, it is appropriate that respondent no.4 considers release of the seized vehicles to the petitioners.

Since the petitioners are stated to have submitted their applications for release of the vehicles to respondent no.3 instead of respondent no.4, who has seized the same and who is competent to release the same, they are directed to submit fresh applications to respondent no.4 within one week from the date of receipt of this order; and, on receipt of such applications, the latter

is directed to consider the same and pass appropriate orders in terms of the aforementioned GOs within a period of two weeks from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

(M.Seetharama Murthi, J)

Dt: 23rd December, 2015

Note:

CC by Wednesday

30th December, 2015.

(B/o)

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