

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3763 OF 2015

ORDER

-

This writ petition is filed by the petitioners seeking a *Writ of Mandamus* declaring the action of the respondents in seizing the tractor along with the trailer bearing No.AP 20 AN 1194 and AP 20 AN 1276 without following any procedure, as arbitrary and illegal and for a consequential direction to the respondents to release the said vehicle.

When the matter is taken for hearing, learned counsel for the petitioners stated that this Court disposed of similar writ petition in W.P.No.98 of 2015 by an order dated 07.01.2015 directing release of the vehicle subject to certain conditions laid down therein, and the same is not disputed by the learned Assistant Government Pleader for Panchayat Raj as well as the Government Pleader for Home.

Following the ratio laid down in the said writ petition, the petitioners are directed to submit a representation to the officer who seized the vehicle for its release; the said officer shall within three days from the date of receipt of representation examine whether the vehicle was used in committing the offence for the first or the second time; and if so, consider directing release of the vehicle on payment of the prescribed penalty and also execution of a bond in accordance with Rule 8 (vii) of Rules being executed by the owner of the vehicle for its production as and when directed by the competent Court to which such seizure was reported by the officer who seized the vehicle.

The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioners; and necessary action shall be taken for release of the vehicle, in cases failing within the ambit of Rule 18 (i) (a), on payment of the prescribed penalty; and on execution of bond being executed in terms of Rule 18(vii) of the Rules.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any shall stand closed.

A.RAJASHEKER REDDY,J

Date: 23.02.2015
dv