

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.25624 of 2015

Between:

R. Dinesh Kumar, s/o. Ramakrishna,
Aged about 32 years, Occ: Owner of the vehicle
R/o. 16, Eswar Nagar, 4th Cross Hosur TK,
Krishnagiri District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
(Home) Department,
Secretariat, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

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The grievance of the petitioner in this writ petition is that even though he has valid permit, his goods vehicle bearing No.TN 52 C 9652 was seized by the Tahsildar, Kuppam Mandal, Chittoor District (2nd respondent) and so far, the custody of the vehicle was not given causing grave hardship to the petitioner.

2. Learned counsel for the petitioner contends that even though a complaint was lodged with the local police on 14.07.2015 alleging seizure of the vehicle, so far the vehicle is not produced in the concerned Court. Therefore, the petitioner cannot move any application before the concerned Court for release of the vehicle. Learned counsel for the petitioner further submits that in similar matters, this Court granted order for release of the vehicles subject to fulfillment of conditions as prescribed in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, subject to production of ownership documents and also with an undertaking that the petitioner shall not create third party interest and shall produce the vehicle as and when required.

3. Having regard to the above, the Writ Petition is disposed of, directing the petitioner to submit a representation

to the Tahsildar, Kuppam Mandal, Chittoor District (2nd respondent), who seized his vehicle, for release of the vehicle. The said Officer shall, within three (3) days from the date of receipt of the representation, examine whether the vehicle was used in the commission of the offence as prohibited by G.O.Ms.No.95, Industries and Commerce (Mines-IV) Department, dated 28.08.2014, and the Officer concerned shall release the vehicle, by duly observing relevant provisions of Para 18 of the Orders and with such conditions as warranted, including execution of bond by the owner of the vehicle for its production as and when directed by the competent Court, to which such seizure was reported as a consequent to complaint lodged by the Officer, who seized the vehicle; deposit of amount; and not to create third party interest.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 14th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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