

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.14986 of 2015

Order :

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“ Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate direction declaring the action of the respondents in seizing petitioner's tractor and trolley bearing no.AP-26-K-4880 and AP-26-AK4881 pursuant to the Crime No.53 of 2015 of Midjil Police Station as illegal, ultravires in the interest of justice and equity and pass any order or orders as deem fit and proper in the circumstances of the case.”

When the matter is taken up today, written instructions dated 2.6.2015 furnished by the Sub Inspector of Police, Midjil, Mahabubnagar District to the office of the learned Government Pleader for Home have been placed on record by the learned Government Pleader for Home. In the said instructions dated 2.6.2015, it is stated as follows : –

“ It is submitted that the Tractor and Trolley bearing No.AP 26 K 4880 and AP 26 AK 4881 was seized for illegal transportation of sand for the 3rd time on 7.4.2015 and served notices to the petitioner and the petitioner responded to the notices and accepted that he was illegally transporting the same. Basing on the confession and recovery panchanama issued FIR on 4.5.2015 vide Cr.No.53/2015 u/s 379 IPC, 27 & 35 of AP WALTA Act and Section 3 of PDPPA.

It is submitted that he Tractor and Trolley to be deposited

with the JFCM, Kalvakurthy, but the learned Magistrate was under training for four months and the JFCM, Nagarkurnool was incharge. The respondents deposited the Tractor and trolley to the incharge Magistrate. But the incharge Magistrate returned the vehicle with a direction to take necessary action as per G.O.Ms.No.15. As per the court directions and G.O.Ms.No.15(4) (c) the petitioner has to put application to the authorised officer for release of vehicle. Basing on the G.O.Ms.No.15(4) (d) the authorised officer shall consider the application of the petitioner and on production of security demand draft - Rs.25,000 in case of tractor, Rs.1,00,000/- in case of vehicle upto 10 tones capacity, Rs.1,50,000/- in case of vehicle above 10 tonnes capacity and Rs.2,00,000/- for any machinery along with an affidavit to produce the seized vehicle as and when required.

It is submitted that if the petitioner approaches, the respondents will take action as per the directions of the Hon'ble JFCM, Kalvakurthy. But the petitioner has not approached the respondents till date with a proper application for release of vehicle."

In view of the above statements made in the written instructions that respondents will take action as per the directions of the Court of the Judicial First Class Magistrate, Kalvakurthy and that the petitioner has not approached the respondents till date with proper application for release of vehicle, I deem it appropriate to dispose of the writ petition permitting the petitioner to make necessary application before the concerned authorities for release of vehicle within a period of one week from the date of receipt of copy of this order and if such an application is filed by the petitioner, the same shall be considered and disposed of in accordance with law within a period of two weeks thereafter.

With the above directions, the writ petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A.V.SESHA SAI

Dt: 17.6.2015

KK

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.14986 of 2015

17.6.2015