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WRIT PETITION No.11122 of 2015

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ORDER:

This writ petition is filed for issuance of Mandamus declaring the action of the respondents in seizing the vehicle i.e., Tata-Hitachi Excavator Ex 200 LC of the petitioner without following any procedure under the statute as illegal and arbitrary and for a consequential direction to the respondents to release the vehicle from the custody.

2. When the matter is taken up for hearing, learned counsel for the petitioner stated that the subject matter of the present writ petition is squarely covered by the order dated 20.01.2015 in W.P.No.454 of 2015 and the order dated 04.12.2014 in W.P.No.36914 of 2014 rendered by this Court and the same is not disputed or denied by the Government Pleader for Home.

3. In view of the same, following the order dated 04.12.2014 passed in W.P.No.36914 of 2014, this Writ Petition is disposed of by observing as follows:

“Having regard to the above provision, the petitioner is 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 the 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 on execution of bond executed by the owner of the vehicle in accordance with Rule 18(vii), for its production as and when directed by the competent Court to which such seizure was reported by the Officer who seized the vehicle.

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

5. Accordingly, the Writ Petition is disposed of. No costs. Miscellaneous

petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 17-04-2015

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