

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.31924 of 2015

DATED : 01.10.2015

Between :

Gunda Venkayya S/o.Nagabushanam,
Aged about 35 yrs, R/o.Atchempeta Village,
Atchempeta Mandal, Guntur District.

.. Petitioner

and

State of Andhra Pradesh,
rep., by its Principal Secretary to Panchayat Raj Department,
Secretariat, Hyderabad & another.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

This writ petition is filed to declare the action of the respondents in seizing the petitioner's lorry bearing No.AP 29 V 7799 without following any procedure, as arbitrary and illegal and consequently, to direct the respondents to release the said

vehicle.

2. According to the learned counsel for the petitioner, even though the petitioner has valid transit permit, his vehicle was seized on the ground that the petitioner was carrying excess load than permitted. The transit permit granted to petitioner was 15 cubic meters and after taking into consideration the weight of the lorry, he was not carrying the sand beyond the granted permit. Further more, when the petitioner transport vehicle was carrying sand, it was in wet condition and therefore, it would also reflect higher weight and therefore, the seizure of vehicle was illegal.

3. Having regard to the said submission, the writ petition is disposed of directing the Revenue Divisional Officer, Guntur

(2nd respondent) to consider the representation dated 24.09.2015 submitted by the petitioner and if he is satisfied that the vehicle was not carrying excess sand, he shall release the vehicle on his satisfaction that the petitioner is the owner of the vehicle and has produced all the relevant documents in support of his ownership. If the 2nd respondent is not convinced about the claim of the petitioner, that he was not carrying excess sand, he shall pass appropriate orders in accordance with the procedure envisaged in G.O.Ms.No.95 dated 28.08.2014. The entire exercise shall be completed within a period of one week from the date of receipt of copy of this order. There shall be no order as to costs.

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

P.NAVEEN RAO,J

1st October, 2015.

Note : Issue c.c. by 05.10.2015.

B/o.

Rds

