

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25887 of 2015

DATED : 18.08.2015

Between :

Cathya Chander @ V.Chander S/o.Nandya Naik,
Aged 26 yrs, Occu : Owner of the vehicle,
R/o.Gongupalli Thanda, Pudur Mandal,
Ranga Reddy District.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary to Home Department,
Secretariat Buildings, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

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The grievance of the petitioner in the writ petition is that even though he

has valid permit, his goods vehicle bearing No.AP 28 X 9218 was seized by the Tahsildar, Parigi, Parigi Mandal, Ranga Reddy District (5th 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 concerning 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 further submits that in similar matters, this Court granted order for release of the vehicle subject to fulfillment of conditions as prescribed in G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, 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. Learned Assistant Government pleader on instructions submits that the petitioner has earlier filed a writ petition, concerning the same issue and has withdrawn the same. He therefore, raises an objection on maintainability of the writ petition on the ground that on the same issue, when an earlier writ petition is withdrawn, this writ petition is not maintainable.

4. Learned counsel for the petitioner submits that though the petitioner earlier filed a writ petition the subject of the writ petition is not same. The petitioner has more than one vehicle and petitioner has not filed any other writ petition concerning release of the same vehicle.

5. Having regard to the above, the writ petition is disposed of, directing the petitioner to submit a representation to the 5th respondent who seized his vehicle, for release of the vehicle. The said officer shall, within three 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.15 Industries and Commerce (Mines-I) Department, dated 19.02.2015 and the officer concerned shall release the vehicle, by duly observing relevant provisions of the Order, 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.

6. With the above observations, the Writ Petition is disposed of.
There shall be no order as to costs.

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

18th August, 2015.
Rds

P.NAVEEN RAO,J