

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.454 of 2015

Date: 20-01-2015

Between:

Pilla Kanaka Raju

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Secretary, Panchayat Raj Department, Secretariat
Hyderabad and 4 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.454 of 2015

ORDER:

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The writ petition is filed for a mandamus declaring the action of the respondents in seizing the vehicle 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 07-01-2015 in W.P.No.40957 of 2014 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 he second time; and, if so, consider directing release of the vehicle on payment of the prescribed penalty. If, on the other hand, the vehicle is found to have been used in the commission of the offence for three or more times, the officer concerned shall consider directing the release of the vehicle, in accordance with Rule 18(vii), on a bond being executed by the owner of the vehicle for its production as and when directed by the competent Court to which such seizure was reported by the Officer who seized the vehicle.

The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioner; 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, in other cases, on a bond being executed in terms of Rule 18(vii) of the Rules.”

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 20-01-2015

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