

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.42862 of 2015

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ORDER :

This Writ Petition is filed for a mandamus to declare the action of the respondents in seizing the petitioner's vehicles bearing nos.AP 24 TC 0135 and TS 06 UA 0189 - Goods Carriages (Lorries) as illegal and arbitrary and consequently direct the respondents to release the seized vehicles.

2. I have heard the submissions of the learned counsel for the petitioners and the learned Additional Government Pleader for Home (TG) appearing for the 2nd respondent. I have perused the material record.

3. The writ petitioners in the affidavit filed in support of the petition submit that their vehicles bearing nos.AP 24 TC 0135 and TS 06 UA 0189 - Goods Carriages (Lorries) were seized and that the said seizure on the ground that they were transporting loads of sand without permits from the authority concerned is illegal, arbitrary and high handed and that the 2nd respondent is not receiving and considering their representations for the release of the vehicles and that the said action of the 2nd respondent is contrary to law and against the principles of natural justice.

4. At the hearing, the learned counsel for both the parties submitted that as per G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated 08-01-2015 as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department dated 19-02-2015, the 2nd respondent, who is stated to have seized the vehicles, is competent to release the same. In view of the same, it is appropriate that the 2nd respondent considers the release of the said seized vehicles to the petitioners. Hence, the petitioners are directed to

submit fresh representations to the 2nd respondent within three (3) days from the date of the receipt of a copy of this order; and on receipt of such representations from the petitioners, the 2nd respondent is directed to consider the same as per the terms of the aforementioned GOs and pass appropriate orders for release of the seized vehicles within a period of three (03) days from the date of receipt of the representations from the petitioners.

5. Subject to the above observations, the Writ Petition is disposed of. No costs.

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

M.Seetharama Murthi, J

Dt: 31st December, 2015
Vjl