

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.41058 of 2014

Date: 19-01-2015

Between:

Mothukula Ramesh

.. Petitioner

AND

The State of Telangana and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.41058 of 2014

ORDER:

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This writ petition is filed for a mandamus declaring the seizure of the petitioner's lorry bearing No.AP-28-TD-1458 as illegal and arbitrary and for a consequential direction to the respondents to release the lorry of the petitioner.

2. When the matter is taken up for hearing, the learned counsel for the petitioner represented that in similar circumstances, this court passed orders in W.P.No.24102 of 2014 on 22-08-2014 directing release of vehicle and that the subject matter of the present writ petition is identical to that of said writ petition, for which the learned Assistant Government Pleader for respondents 1 and 2 is not disputed or denied the same.

3. Therefore, in view of the amended Rule 9-Q (1) (i) and (ii), read with Rule 9-Q (6), the petitioner is permitted to submit an application to the officer, who seized the vehicle; the said officer shall, within three days from the date of receipt of the application,

examine whether the vehicle is used in committing the offence for the first and the 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 release of the vehicle, in accordance with Rule 9-Q (6), on a bond being executed by the owner of the vehicle for its production as and when directed by the Court.

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 9-Q (1) (i), on payment of the prescribed penalty; and, in other cases, on a bond being executed in terms of Rule 9-Q (6) of the Rules.

Accordingly, the Writ Petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 19-01-2015

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