

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.34049 of 2015

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DATED : 14.10.2015

Between :

Bhushigampa Ashok Goud, S/o.Ganga Goud,

Aged about 38 yrs, R/o.H.No.85/1,

Hunsa, Bhodan Town, Nizamabad District & another.

.. Petitioners

and

State of Telangana,

Rep., by its Principal Secretary,

Industries and Commerce (Mines) Dept.,

Secretariat Buildings, Hyderabad & 3 others.

.. Respondents

This court made the following :

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ORDER :

The grievance of the petitioners in the writ petition is that even though they have valid permits, their Tractor bearing No.TS 25 T/R 0499 and Tractor bearing No.TS 16 UA 3579 respectively, were seized by the Tahsildar, Kotagiri Mandal, Kotagiri, Nizamabad District (3rd respondent) and so far the custody of the vehicle was not given causing grave hardship to the petitioners.

2. Learned counsel for the petitioners, contend 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 petitioners 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. Having regard to the above, the writ petition is disposed of, directing the petitioners to submit representations to the 3rd respondent who seized their vehicle, for release of the vehicle. The said officer shall, within three days from the date of receipt of the representations, 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 owners 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 amounts; and not to create third party interest.

4. 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.

P.NAVEEN RAO,J

14th October, 2015.

Note : Issue c.c. by 19.10.2015.

B/o.

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