

THE HON'BLE SRI JUSTICE A. RAJASEKHAR REDDY

WRIT PETITION No.3866 of 2015

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Between:

V. Naga Lakshmaiah

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary to Panchayat Raj Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the action of the respondents in seizing the Tractor & Trailer bearing Nos.AP 07 H 2006 and AP 07 H 2008, without following any procedure known to law, as arbitrary and illegal and consequently to direct the respondents to release the above vehicles from the custody of the respondents forthwith.

When the matter is taken up for hearing, learned counsel for the petitioner stated that this Court disposed of similar writ petition in W.P.No.98 of 2015 by order dated 07.01.2015 directing release of the vehicles subject to certain conditions laid down therein, and the same is not disputed or denied by the learned Assistant Government Pleader for Panchayat Raj as well as the learned Government Pleader for Home.

Following the ratio laid down in the said writ petition, 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 the second time; and if so, consider directing release of the vehicle on payment of prescribed penalty and also execution of a bond in accordance with Rule 8 (vii) of Rules 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 vehicles, in cases falling within the ambit of Rule

18(i) (a), on payment of the prescribed penalty; and, also on execution of a bond being executed in terms of Rule 18(vii) of the Rules.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASEKHAR REDDY, J.

2nd March, 2015
Js.