

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.11198 of 2015

ORDER:

Questioning the action of the respondents in seizing the petitioner's vehicle (JCB) bearing No.AP31CR3659, without following the due procedure, the petitioner filed the present writ petition.

When the matter is taken up for hearing, learned counsel for the petitioner submitted that in similar circumstances, this Court disposed of W.P.No.744 of 2015 on 27.01.2015 giving certain directions and that the present case is squarely covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Home.

In view of the same, following the ratio laid down in the said judgment, 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 application, 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 the prescribed penalty and 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 case falling within the ambit of Rule 18(i)(a) on payment of the prescribed penalty and also on execution of a bond in terms of Rule 18(vii) of the Rules.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J

21st April, 2015

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