

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.19239 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue Writ of Mandamus declaring the action of the respondents 2 to 4 in seizing the petitioners vehicles bearing Nos.AP 21 TY 0592, AP 21 TY 0593 and AP 22 AK 9745 – tractors along with trailers of the petitioners without following any procedure known to law, as arbitrary, illegal and against the principles of natural justice and violative of Articles 19 and 21 of the Constitution of India and consequential directions to the respondents to give the interim custody and release the petitioners vehicles i.e., AP 21 TY 0592, AP 21 TY 0593 and AP 22 AK 9745 – Tractors along with Trailers to the petitioners forthwith.”

Heard Sri V. Brahmaiah Chowdary, learned counsel for the petitioners and learned Government Pleader for Home.

When the matter is taken up for hearing, learned counsel for the petitioners stated that this Court disposed of similar writ petition in W.P.No.744 of 2015 dated 27.01.2015 directing release of the vehicle 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 Government Pleader for Home.

Following the ratio laid down in the said writ petition, the petitioners are directed to submit a representation to the officer who seized the vehicles for their release; the said officer shall within three days from the date of receipt of the representation

examine whether the vehicles were used in committing the offence for the first or the second time; and if so, consider directing release of the vehicles on payment of the prescribed penalty and also execution of a bond in accordance with Rule 18(vii) of Rules being executed by the owner of the vehicles for their production as and when directed by the competent Court to which such seizure was reported by the officer who seized the vehicles.

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

A.V. SETHA SAI, J

June 29, 2015
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