

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.25813 of 2015

Between:

Saravana Kumar, S/o. Namasivayam,
Aged about 36 years,
Occ: Owner of the vehicle
R/o. 4/34, Kudi Street,
Srinavisanallaur Thottaiyam TK,
Tirchy, Tamilnadu State.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary
(Home) Department,
Secretariat, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 17.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The grievance of the petitioner in this writ petition is that even though he has valid permit, his lorries bearing Nos.TN 01 AP 5719 and TN 01 AP 3548 were seized by the Tahsildar, Kuppam Mandal, Chittoor District (2nd respondent) and so far, the custody of the vehicles was not given causing grave hardship to the petitioner.

2. Learned counsel for the petitioner contends that even though a complaint was lodged with the local police on 24.06.2015 alleging seizure of the vehicles, so far the vehicles are not produced in the concerned Court. Therefore, the petitioner cannot move any application before the concerned court for release of the vehicles. Learned counsel for the petitioner further submits that in similar matters, this Court granted order for release of the vehicles subject to fulfillment of conditions as prescribed in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, subject to production of ownership documents and also with an undertaking that the petitioner shall not create third party interest and shall produce the vehicles as and when required.

3. Having regard to the above, the Writ Petition is

disposed of directing the petitioner to submit representation to the Tahsildar, Kuppam Mandal, Chittoor District (2nd respondent), who seized his vehicles, for release of the vehicles. The said Officer shall, within three (3) days from the date of receipt of the representation, examine whether the vehicles were used in the commission of the offence as prohibited by G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, and the Officer concerned shall release the vehicles, by duly observing relevant provisions of Para 18 of the Orders and with such conditions, as warranted, including execution of bond by the owner of the vehicles 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 vehicles; deposit of amount; and not to create third party interest. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 17th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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