

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

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**WRIT PETITION No.42155 OF 2015**

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**ORDER:**

The petitioner is engaged in the business of Weigh Bridge under the name and style of M/s. Amar Jyothi Weigh Bridge in the premises bearing Plot Nos.34 and 35 opposite IDPL Balanagar, Ranga Reddy District. The said premises was inspected by the 3<sup>rd</sup> respondent on 13.05.2015 at about 1:30 p.m and it was discovered that the Weigh Bridge was not correctly showing the weight and was showing error which is beyond permissible limits. Therefore, the 3<sup>rd</sup> respondent seized the said Weigh Bridge and lodged a complaint in S.T.C.No.25 of 2015 before the XXIV Metropolitan Magistrate, Cyberabad, for contravention under Sections 8 and 25 of the Legal Metrology Act, 2009 and the Rules made thereunder.

2. The petitioner filed Crl.M.P.No.1436 of 2015 in the said S.T.C before the Court below for interim custody of the said weigh bridge.

The learned Magistrate rejected the said application by an order dt. 06.10.2015. The petitioner then preferred a revision before this Court in Crl.R.C.No.2889 of 2015. By an order dt. 26.11.2015, this Court disposed of the revision directing the respondents to return the seized property subject to petitioner executing a personal bond for Rs.50,000/- with one surety for a like sum to the satisfaction of the said Magistrate. It was further directed that the petitioner shall produce the property as and when required by the trial Court.

3. Petitioner contends that the respondents are not willing to re-stamp the weigh bridge even though the competent authority under the Act had given him permission to re-operate the weigh bridge on 07.03.2014, which is valid till 06.03.2016 and without cancelling the same, the petitioner cannot be prevented from running the weigh

bridge by re-stamping the licence.

4. Learned Government Pleader for Civil Supplies, on instructions, states that the petitioner has not taken the weigh bridge at all by complying with the conditions imposed by this Court on 26.11.2015 in Crl.R.C.No.2889 of 2015.

5. Learned counsel for the petitioner states that the petitioner is taking steps to comply with the conditions imposed by this Court in the aforesaid revision case for return of the seized weigh bridge.

6. Similar issue came up before this Court in W.P.No.37274 of 2015 and this Court has taken a view that once the weight bridges are released to the party by an order of Court, subject to the party running the same in accordance with the provisions of the Act and the Rules made thereunder, the party can be allowed to run the same and the respondents cannot refuse to re-verify or re-stamp the same.

7. Following the said decision and for the reasons alike, this Writ Petition is also allowed directing the respondents to allow the petitioner to run the weigh bridge in question by re-verifying and re-stamping the same subject to condition of petitioner operating the weigh bridge in accordance with the Legal Metrology Act, 2009 after taking delivery of weigh bridge after complying with the conditions imposed in the Criminal Revision Case referred to above. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

**DECEMBER 30, 2015**

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**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

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**Dt:30.12.2015**

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