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

WRIT PETITION No.25583 of 2015

Between:

Manickam. V. S/o. VAiraperumal,
Aged about 49 years, Occ: Owner of the vehicle,
R/o. 75A, Mettu Thirukampuliyur,
Thirukampuliyur (PO), K.R. Puram (TK),
Kauru, Tamilnadu

.. Petitioner

AND

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

.. Respondents

AND

WRIT PETITION No.25605 of 2015

Between:

Jaganathan.V, S/o. Venkataraman,
Aged about 33 years, Occ: Owner of the vehicle,
R/o. 21/112, Concordia School Street,
Kempamma Compound Ram Nagar,
Krishnagiri.

.. Petitioner

AND

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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

WRIT PETITION Nos.25583 & 25605 of 2015

COMMON ORDER:

The grievance of the petitioners in these writ petitions is that even though they have valid permits, their goods vehicles bearing Nos.TN 28 AK 1546 and TN 70 M 4945 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 petitioners.

2. Learned counsel for the petitioners contends that even though complaints were 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 petitioners cannot move any application before the concerned Court for release of the vehicles. Learned counsel for the petitioners 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 petitioners shall not create third party interest and shall produce the vehicles as and when required.

3. Having regard to the above, these writ petitions are disposed of, directing the petitioners to submit

representations to the Tahsildar, Kuppam Mandal, Chittoor District (2nd respondent), who seized their vehicles, for release of the vehicles. The said Officer shall, within three (3) days from the date of receipt of the representations, examine whether the vehicles were used in the commission of the offence as prohibited by G.O.Ms.No.95, Industries and 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 complaints lodged by the Officer, who seized the vehicles; deposit of amount; and not to create third party interest.

5. With the above observations, the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

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P.NAVEEN RAO, J

Date: 14th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION Nos.25583 & 25605 of 2015

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Date: 14th August, 2015

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