

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.176 of 2015

ORDER :

The grievance of the petitioners is that their vehicles bearing Nos.(1) AP 28 TE 7799, (2) AP 29 V 3768, (3) AP 28 TE 1239, (4) AP 29 V 4356, (5) AP 28 TE 8789, (6) TS 08 UB 1189, (7) AP 03 TA 8871, (8) TS 06 UA 2989-Goods Carriage, (9) AP 22 AR 4194 – AP 22 M 4423, and (10) AP 22 U 5148 – KA 36 TA 4221-Tractors and Trailers have been seized by respondent Nos.5 to 18 without following the due process of law.

2. It is represented by the learned counsel for petitioners that in similar circumstances, this Court has disposed of W.P.No.22344 of 2014 on 06.08.2014 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleader for Panchayat Raj (Telangana), Assistant Government Pleader for Revenue, and Assistant Government Pleader for Home.

3. In view of the said representation, following the said judgment, this writ petition is disposed of directing the petitioners to submit an application under the amended Rule 9-Q(1)(i) and (ii) read with Rule 9-Q(6) of the Rules notified in G.O.Ms.No.186, dated 17.12.2003, to the officer, who seized the vehicles; the said officer shall, within three days from the date of receipt of the application; examine whether the vehicles were used in committing the offence for the first and the second time; and, if so, consider directing release of the vehicles on payment of the prescribed

penalty. If, on the other hand, the vehicles are found to have been used in the commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles, in accordance with Rule 9-Q (6), on a bond being executed by the owners of the vehicles for their production as and when directed by the Court.

4. 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 petitioners; and necessary action shall be taken for release of the vehicles, in cases falling within the ambit of Rule 9-Q(1)(i) of the Rules, on payment of the prescribed penalty; and, in other cases, on a bond being executed in terms of Rule 9-Q(6) of the Rules.

5. The writ petition is accordingly disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

07.01.2015.
Msr

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