

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3547 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in seizing the Tractor bearing No.AP 31 AK 6188 & Trailer No.AP 31Y 8291 of the petitioner, without following any procedure, as illegal and arbitrary and against the principles of natural justice and for a consequential direction to the respondents to give interim custody of the said vehicles to the petitioner forthwith.

Learned counsel for the petitioner submits that the *lis* in the writ petition is squarely covered by the order dated 04.12.2014, passed by this Court in WP.No.36914 of 2014 and the same is not disputed by the learned Assistant Government Pleader for Home.

Recording the above said submission, the writ petition is disposed of in terms of the order dated 04.12.2014 passed by this Court in WP.No.36914 of 2014, directing the petitioner to submit a representation to the officer who seized the vehicles for its 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. 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 15(vii), on a bond being executed by the owner of the vehicles for its production as and when directed by the competent Court to which such seizure

was reported by the Officer who seized the vehicles.

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 18(i)(a), on payment of the prescribed penalty; and also on execution of bond being executed by the owner of the vehicle in terms of Rule 18(vii) of the Rules. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

19.02.2015

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