

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5405 OF 2015

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ORDER:

This Writ Petition is seeking a writ of mandamus declaring the action of the respondents in seizing the Lorry bearing No.AP 31Y 6377 belonging to the petitioner without following any procedure, as illegal and arbitrary and consequently to direct the respondent to release the said vehicle.

The case of the petitioner is that he is the owner of lorry bearing No.AP 31Y 6377 and the same was seized by the 2nd respondent on 26.02.2015 on the ground that he is transporting sand illegally, even though the same was purchased from the authorised leaseholder on 26.02.2015 with valid sand waybill issued by the Panchayat Raj and Rural Development Department, Visakhapatnam District. Aggrieved by the same, the present Writ Petition is filed.

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, learned Government Pleader for General Administration, learned Government Pleader for Revenue and learned Government Pleader for Home.

In view of the facts and circumstances of the case, the 3rd respondent—Tahsildar, Pendurthi Mandal, Visakhapatnam District, is directed to release the lorry bearing No.AP 31Y 6377 immediately on condition of the petitioner depositing Rs.75,000/- with him. The amount so deposited shall abide by the result of any

enquiry, which the Tahsildar may carry on with regard to the alleged illegal transportation of sand by the lorry and in case, it is found by him that the sand is transported lawfully, the said amount be refunded and if the finding is to the contra, the said amount shall be confiscated/appropriated to the State without any prejudice to initiate further action as is considered necessary under law. The petitioner shall also furnish an undertaking that he will neither alienate nor create any third party interests and maintain the vehicle in good running condition and will produce the same as and when required by the Tahsildar/Police.

With the above direction, the Writ Petition is disposed of. There shall be 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

04.03.2015

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