

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32613 of 2015

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DATED : 06.10.2015

Between :

Chedula Kiran Kumar S/o. C.Chenna Reddy,
Aged about 45 yrs, R/o.D.No.16/33, A.Rameswaram,
Proddatur Town, Kadapa District.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary to Panchayat Raj Department,
Secretariat, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

The grievance of the petitioner in this writ petition is that even though he has valid permit, his Tractor bearing No.AP 26 U 9911 and Tractor bearing No.AP 02 V 2913 was seized by the Tahsildar, Proddatur Town, YSR Kadapa District and so far the custody of the vehicle was not given causing grave hardship to the petitioner.

2. Learned counsel for the petitioner, contends that even though a complaint was lodged with the local police alleging seizure of the vehicle, so far the vehicle is not produced in the concerned Court. Therefore, the petitioner cannot move any application before the concerned court for release of the vehicle. Learned counsel further submits that in similar matters, this Court granted order for release of the vehicle 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 petitioner shall not create third party interest and shall produce the vehicle as and when required.

3. Having regard to the above, this writ petition is disposed of, directing the petitioner to submit representation to the 3rd respondent who seized the vehicle, for release of the vehicle. The said officer shall, within three days from the date of receipt of the representation, examine whether the vehicle was 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 vehicle, 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 vehicle for its production as and when directed by the competent Court, to which such seizure was reported as a consequent to complaint lodged by the Officer, who seized the vehicle; deposit of amount; and not to create third party interest.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

06th October, 2015.

Note :Issue C.C. today.

B/o.

Rds

