

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3459 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in seizing the Tractor & Trailer bearing Nos.AP 07 TB 8373 & AP 07 TB 8374, without following any procedure, as illegal and arbitrary and for a consequential direction to the respondents to release the said vehicle.

When the matter is taken up for hearing, learned counsel for the petitioner stated that this Court disposed of similar writ petition in WP.No.98 of 2015 by an order dated 07.01.2015, directing release of the vehicle subject to certain conditions laid down therein, and the same is not disputed or denied by the learned Assistant Government Pleader for Panchayat Raj as well as the Government Pleader for Home.

Following the ratio laid down in the above said writ petition, the petitioner is directed to submit a representation to the officer who seized the vehicle for its release; the said officer shall within three days from the date of receipt of the representation examine whether the vehicle was used in committing the offence for the first or the second time; and, if so, consider directing release of the vehicle on payment of the prescribed penalty and also execution of a bond in accordance with Rule 18 (vii) of Rules being executed by the owner of the vehicle for its production as and when directed by the competent Court to which such seizure was reported by the Officer who seized the vehicle.

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 petitioner; and necessary action shall be taken for release of the vehicle, in cases falling within the ambit of Rule 18(i) (a), on payment of the prescribed penalty; and also execution of a bond being executed by the owner of the vehicle in terms of Rule 18(vii) of the Rules.

Accordingly, 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

19.02.2015
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