

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29217 OF 2015

Between:

R. Logesh ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri T.D. Phani Kumar

Counsel for the Respondents: GP for Home [AP]
GP for Revenue [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 29217 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of the respondents in seizing the petitioner’s lorry bearing No. TN-59-B2-9490 without following any procedure known to law as arbitrary, illegal and violation of Article 14, 19 and 21 of the Constitution of India and consequently to direct the respondents to release the above vehicle from the custody of the respondents forthwith and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.”

2. 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 07/1/2015 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 Revenue as well as the Government Pleader for Home.

3. Following the ratio laid down in the 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 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.

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 petitioner and necessary action shall be taken for release of the vehicle, in cases falling within the ambit of Rule 18 (1) (a) on payment of the prescribed penalty and also execution of bond being executed in terms of Rule 18 (vii) of the Rules.

5. According, the writ petition is disposed of. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

23/09/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO. 29217 OF 2015

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