

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2690 OF 2015

ORDER

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This writ petition is filed for a writ of mandamus declaring the action of the respondents in seizing the petitioner's Lorry bearing No. KA 03AA 6575 without following due procedure of law, as illegal and arbitrary and for a consequential direction to the respondents to release the above said vehicles.

Today, when the matter is taken up for hearing, it is stated by the learned counsel for the petitioner that this Court in similar circumstances disposed of W.P.No.36914 of 2014 by order dated 04.12.2014 and the same is not disputed by the learned Assistant Government Pleader for Home and learned Assistant Government Pleader for Panchayat Raj.

Following the same, this writ petition is disposed of directing the petitioner 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 is 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 on 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 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 case falling within the ambit of Rule 18 (i) (a), on payment of the prescribed penalty; and on execution of a bond in terms of Rule 18(vii) of the Rules.

There shall be no order as to costs. As a sequel,
miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 10.02.2014

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