

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4629 of 2015

Date: 26-02-2015

Between:

Chintapati Dayakar

.... Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 4 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.4629 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the respondents in seizing the petitioner's tractor and trailer bearing Nos.AP-26-R-6525 and AP-26-R-6523 without following any procedure as contemplated under the law as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the said vehicle for interim custody to the petitioner forthwith.

2. The case of the petitioner is that he is owner of the tractor and trailer bearing Nos.AP-26-R-6525 and AP-26-R-6523 and using the same for commercial purpose with relevant permissions from the concerned authorities. It is stated that on 06-02-2015, the 4th respondent seized the tractor-trailer of the petitioner on the ground of transporting the illegal sand through the said vehicle though having permits from concerned authorities and also way bill

34436 from the stock yard for the same. It is also stated that the vehicle was stopped due to tyre puncture, in which time, the 4th respondent inspected the vehicle and asked relevant documents, for which the driver of the vehicle produced way bill and valid permit for transporting the same, but the 4th respondent without considering the same, seized the vehicle. Thereafter, the petitioner made a representation to the 2nd respondent on 21-02-2015 for release of the vehicle, but the 3rd respondent did not consider the same and handed over the vehicle to the 5th respondent for safe custody. If the vehicle is kept in the custody of the respondents, it may cause heavy loss to the petitioner and may get damage if it is kept unattended. Though the petitioner made a representation for release of the vehicle, no orders have been passed thereon. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

4. Having regard to the facts and circumstances of the case and in view of the fact that the petitioner has already made a representation to the concerned authorities, which is pending consideration, I deem it appropriate to direct the competent authority to consider the representation made by the petitioner and after satisfying with genuineness of the way bill produced by the petitioner, release the vehicle, or if the respondent is not satisfied, the vehicle may be released in accordance with the norms laid down in G.O.Ms.No.95, dated 28-08-2014 after imposing prescribed penalty provided therein.

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

Date: 26-02-2015

Ksn