

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 1373 OF 2015

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ORDER :
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This writ petition is filed by the petitioner seeking writ of mandamus declaring the action of the respondents in seizing the petitioner's tippers bearing Nos. AP 26 TA 5656 and AP 27X 3336 respectively in Crime No.269/2014 on the file of Naidupet Police Station, Nellore District without following due procedure contemplated under law as illegal and arbitrary and consequently to direct the 2nd respondent to release the aforesaid two tippers from their custody.

Heard the counsel for the petitioner, learned Government Pleader for Panchayat Raj and learned Government Pleader for Home.

It is stated by the learned counsel for the petitioner that in similar circumstances, this Court disposed of W.P.No.98 of 2015 by order dated 07.01.2015.

Following the ratio laid down in the said decision, the petitioner is directed to submit a representation to the officer who seized the vehicle; the said officer shall within three days from the date of receipt of the application 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 the Rules framed in G.O.Ms.No.95, dated 28.08.2014, 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 case falling within the ambit of Rule 18(i) (a), on payment of the prescribed penalty; and, in other case, on bond being executed 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, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

30.01.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P.No.1373 OF 2015

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Date: 30-01-2015

KVS

