

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8315 of 2015

Date: 27-03-2015

Between:

Bonda Venkata Ramana

.. Petitioner

AND

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

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8315 of 2015

ORDER:

-

This writ petition is filed for a mandamus declaring the action of the respondents in seizing the lorry bearing No.AP-31-TB-7719 of the petitioner without following the due procedure under statute as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the vehicle from their custody.

2. The case of the petitioner is that he is registered owner of the lorry bearing No.AP-31-TB-7719 and he is using the said lorry for transporting goods with all relevant documents from Transport authorities. On 18/19-03-2015, the 2nd

respondent seized the said lorry on the ground that the said lorry is transporting sand illegally even though the sand, which is transporting therein, suffered penalty of Rs.1,50,000/- on 18-03-2015. Earlier, when the said lorry was seized on 19-02-2015 on the ground that the said lorry is transporting sand illegally, the petitioner filed W.P.No.5550 of 2015 and this court disposed of the said writ petition directing the petitioner to make an application to the 3rd respondent therein with all documents along with transit way bill for release of the said lorry and the petitioner paid the penalty of Rs.1,50,000/- on 18-03-2015 and obtained release orders from the 5th respondent and after obtaining the release orders, the petitioner had taken the lorry from APSRTC Depot, Kurmanapalem, Gajuwaka at 8.30 P.M. where the said lorry was kept under safe custody and the 2nd respondent again seized the said lorry though the sand has already suffered penalty. 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 Panchayat Raj.

4. Learned Assistant Government Pleader stated that the petitioner was directed to attend before the Mandal Level Task Force Committee on 24-03-2015 to submit his explanation, if any, but the petitioner did not do so.

5. It is stated that the lorry along with sand was seized even after payment of penalty on 18-03-2015 for the earlier seizure and since the particulars regarding payment of penalty and the connected documents are with the petitioner, the driver could not produce the same at the time of seizure of the vehicle and the 2nd respondent, without hearing the explanation given by the driver that the sand was already suffered penalty, seized the vehicle along with sand. These aspects have to be positively considered by the competent authority.

6. Therefore, in view of above facts and circumstances, the petitioner is directed to make an application with all necessary documents in proof of payment of penalty for the sand, which is now seized along with the lorry and all other connected documents and in case the petitioner is able to satisfy the same, the competent authority may release the lorry as well as the sand. Otherwise, the competent authority can take recourse to the procedure provided under G.O.Ms.No.95, dated 28-02-2015 for release of the vehicle. As

and when the petitioner made such application, the competent authority may consider and pass appropriate orders thereon, as expeditiously as possible, preferably within a period of three weeks thereafter.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 27-03-2015

Ksn