

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.7839 of 2015

ORDER:

This writ petition is filed by the petitioner seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner's tractor and trailer bearing registration Nos. AP 37W 9485 and AP 24R 1160, without following any procedure as contemplated under the law as illegal, arbitrary and violative of Articles 19 and 21 of Constitution of India and for a consequential direction to the 3rd respondent to release the said vehicle.

2. When the matter is taken up for hearing, learned counsel for the petitioner stated that this Court disposed of similar writ petition in W.P.No.744 of 2015 dated 27.01.2015 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 Panchayat Raj as well as the Government Pleader for Home.

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

4. Following the ratio laid down in the said writ petition, the petitioner is directed to submit representation to the officer who seized the vehicle for their 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(vii) of Rules being executed by the owner of the vehicle for their production as and when directed by the competent Court to which such seizure was reported by the officer who seized the vehicle.

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: 24.03.2015

ska