

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29252 OF 2015

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in seizing the HMTV Goods Carriage bearing No.TS 05UA 4617, under Section 379 IPC and 35(i) of WAPTA Act, as illegal and arbitrary and for a consequential direction to the respondents to release the vehicle from their custody with sand thereby quashing the FIR No.105/2015.

The case of the petitioner is that he is the registered owner of the transport goods vehicle with a capacity to carry 31,000 Kgs. of loads with all permits obtained from Transport Department of State of Telangana. While so, on 01.09.2015 when the petitioner was transporting sand from Nanded, Maharashtra State, with valid sand permit issued by the State Government by paying the seinerage fee, the police authorities checked the vehicle. Though the petitioner showed all the documents of sand permit, tax receipt and all valid transport documents, the police authorities forcibly drove the vehicle to Police Station, Bichukonda and seized the vehicle without any check report or seizer report. It is also stated that the petitioner paid commercial tax at 5% of the sand value Rs.600/- vide Receipt No.0015926. Thereafter, though the petitioner filed a representation on 02.09.2015, before the 3rd respondent, no orders are passed till today. Aggrieved by the same present writ petition is filed.

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

Since the petitioner states that he is having valid documents for transportation of sand and he already submitted representation for release of vehicle before the 3rd respondent, the 3rd respondent is directed to consider the representation dated 02.09.2015 submitted by the petitioner for release of the vehicle, within a period of one week from the date of receipt of a copy of this order, subject to production of all the documents necessary for transportation of the sand by the petitioner. If the 3rd respondent is not satisfied with the documents produced by the petitioner, he has to release the vehicle by imposing necessary penalties as per G.O.Ms.No.15, dated 19.02.2015.

Accordingly, the writ petition is disposed of. 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

09.09.2015
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