

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.19230 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue Writ of Mandamus declaring the action of the respondent authority in issuing the seizure report dated 10-06-2015 issued by the respondents seizing the “Mobile Concrete Machine” of the petitioner with registration No.SK 04E 0103 purportedly under Section 207 of Motor Vehicles Act and Section 8 of the A.P. Motor Vehicles Act, as being illegal, arbitrary and unconstitutional apart from being in contravention to the provisions of the Motor Vehicles Act, 1988 and the Andhra Pradesh Motor Vehicles Taxation Act, 1963 and in violation of principles of natural justice and consequently set aside the seizure report dated 10-06-2015 seizing the “Mobile Concrete Machine” of the petitioner with registration No.SK 04E 0103.”

Heard Sri Avinash Desai, learned counsel for the petitioner and learned Government Pleader for Transport.

As per the material available before this Court against the impugned order of seizure report, dated 10-06-2015 the petitioner herein already preferred appeal, dated 18-06-2015 before the Deputy Transport Commissioner, Ongole, Prakasham District – 3rd respondent herein and the said appeal is pending.

It is submitted by the learned Government Pleader that having availed the said statutory remedy now it is not open for the petitioner herein to approach this Court by way of writ petition when the said appeal is pending before the appellate authority.

In view of the pendency of the said appeal, this Court deems it appropriate to direct the appellate authority to dispose of the same.

For the aforesaid reasons, taking into consideration the facts and circumstances of the case and having regard to the nature of controversy, this writ petition is disposed of directing the 3rd respondent herein to dispose of the appeal, dated 18-06-2015 filed by the petitioner herein within a period of one week from the date of receipt of a copy of this order. 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.V. SETHA SAI, J

June 29, 2015

Pn

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

-
-
-
-

-
-
-
-

-

WRIT PETITION No.19230 of 2015

-

June 29, 2015

-
Pn