

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY THE TWENTYFIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29504 OF 2015

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Between:

B.Krishnaiah & Anr. ... Petitioners

Vs.

The State of Telangana
Represented by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioners: Smt. S.Annapurna

Counsel for the Respondents: GP for Home [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 29504 OF 2015

ORDER:

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

“To declare the action of the respondents in seizing the petitioners vehicles i.e., tractor bearing No.AP-7G-5461 and JCB bearing No.AP-28A-81011 without following any procedure contemplated under statutes as illegal, arbitrary and in violation of Article 14, 19 (1) (g) and 21 of the Constitution of India and consequently to direct the respondents to release the vehicle forth and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Smt. S.Annapurna, learned counsel for the petitioners and the learned Government Pleader for Home for the respondents.

3. It is represented by the learned counsel for the petitioners that in similar circumstances, this court has disposed of WP.No.7088 of 2015 on 18/3/2015 giving certain directions and that the present case is covered by the said judgment, which is not disputed by the learned Assistant Government Pleaders appearing for the respondents.

4. In view of the said representation, following the said judgment, the writ petition is disposed of, directing the petitioners to submit an application for release of the vehicles before the

competent authority and the competent authority shall, within three days from the date of receipt of such applications, examine whether the vehicles are used in committing the offence for the first and second time; and if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in commission of the offence, for three or more times, the officer concerned shall consider directing release of the vehicles after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15, dated 19/02/2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicles as and when required.

5. Accordingly, the writ petition is disposed of. No order as to costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

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