

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.35705 of 2015

Date:03.11.2015

Between:

O.Nagaiah

S/o Bala Nagaiah

..... Petitioner

And:

The State of A.P., repled., by its

Principal Secretary, Industries & Commerce

(Home-I) Department, Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. G.V.Shivaji

Counsel for Respondent No.1: AGP for Industries &
Commerce (AP)

Counsel for Respondent Nos.2 & 3: AGP for Revenue (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.3 in seizing the petitioner's tractor bearing registration No.AP 04 UM TR 0608, on the allegation that it was found transporting sand illegally, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized tractor

Learned counsel for the petitioner submitted that the petitioner has made an application before respondent No.3 for release of the seized vehicle, but he has not taken any steps so far for such release.

At the hearing, Mr. G.K.Shivaji, learned counsel for the petitioner, fairly conceded that neither the date and particulars of the purported application made by the petitioner has been pleaded in the affidavit nor a copy of the same had been filed by the petitioner. He has further submitted that as per G.O.Ms.No.95, dated 28.8.2014, as amended by G.O.Ms.No.6, dated 12.01.2015, respondent No.3 is empowered to consider the applications made by the owners of the seized vehicles and release the same as per the said G.Os.

Inasmuch as no evidence is filed before the Court by the petitioner to show that he has made an application to release the seized tractor, I am not inclined to direct the respondents to consider release of the seized tractor at this stage. However, the petitioner is permitted to make an application before respondent No.3. Within three days thereafter, respondent No.3 shall consider and dispose of the said application in accordance with the above said G.Os and communicate the same to the petitioner.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.45879 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

03rd November, 2015

DR