

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

W.P.No.14278 of 2015

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ORDER:

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This writ petition is filed by the petitioner seeking a Writ of Mandamus declaring the action of the respondents in seizing the Tractor & Tractor bearing No.AP 07 AF 6010 & AP 07 AF 6011 without following any procedure known to law as arbitrary and illegal and for a consequential direction to the respondents to release the said vehicles.

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.98 of 2015 by an order dated 7.1.2015 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. Following the ratio laid down in the said writ petition, the petitioner is directed to submit a representation to the officer who seized the vehicle for its 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 8(vii) of Rules being executed by the owner of the vehicle for its production as and when directed by the competent Court to which such seizure was reported by the officer who seized the vehicle.

4. The entire exercise, culminating in an order being passed, shall be completed within three days from the date of submission of the representation by the petitioner and necessary action shall be taken for release of the vehicle, in cases falling within

the ambit of Rule 18(i)(a), on payment of the prescribed penalty and also on execution of bond in terms of Rule 18(vii) of the Rules.

5. Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 14.5.2015

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Between:

Poda Kotaiah
... Petitioner

and

The State of A.P., rep. by its
Principal Secretary to Panchayat Raj Department,
Secretariat, Hyderabad & others.

... Respondents