

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 3510 OF 2015

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ORDER :
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This writ petition is filed seeking writ of mandamus declaring the action of the respondents in seizing the lorry bearing No. AP 31Y 9989 belongs to the petitioner without following any procedure as illegal and arbitrary and consequently to direct the respondents to release the said vehicle.

The case of the petitioner is that he is the owner of lorry bearing No. AP 31Y 9989 and same was seized by the 2nd and 3rd respondents on 14.02.2015 alleging that transporting sand illegally even though the same was purchased from the authorized lease holder on 14.02.2015 with valid sand way bill issued by the Panchayat Raj and Rural Development Department, Visakhapatnam District. Aggrieved by the same, present writ petition is filed.

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

In view of the facts and circumstances of the case, the 3rd respondent-Tahsildar, Pendurthi Mandal, Visakhapatnam District is directed to release the lorry bearing No. AP 31 Y 9989 immediately on condition of the petitioner depositing Rs.75,000/- with him. The amount so deposited shall abide by the result of any enquiry, which the Tahsildar may carry on with regard to the alleged illegal transportation of sand by the lorry and in case, it is found by him that the sand is transported lawfully, the said amount be refunded and if the finding is to the contra, the said amount shall be confiscated/appropriated to the State without any prejudice to initiating such further action as is considered necessary under law. The petitioner shall also furnish an undertaking that he will neither alienate

nor create any third party interests and maintain the vehicle in good running condition and will produce the same as and when required by the Tahsildar/police.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

24.02.2015.
KVS

_____ **A.RAJASHEKER REDDY, J**

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Date: 24-02-2015
