

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3127 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in seizing the Tractor & Trailer bearing No.AP 07 TC 6190 & AP 07 TC 6191 belongs to the 1st petitioner and Tractor & Trailer bearing No.AP 07 TE 2118 & AP 07 TE 2119 belongs to the 2nd petitioner, without following any procedure, as illegal and arbitrary.

The Assistant Government Pleader for Home produced written instructions dated 16.02.2015, wherein it is stated that the petitioners' vehicles transporting the sand illegally, as such crime No.143/2014 under Section 379 was registered on 16.12.2014 against the petitioners. It is also stated that after completion of investigation charge sheet is also filed on 20.01.2015 before the Addl.Junior Civil Judge, Mangalagiri. He further submits that since Crime No.143/2014 was registered under the provisions of IPC and also the vehicle is produced before the Competent Court, it is for the petitioners to approach Competent Court for release of the vehicles. Instead, they approached this Court by filing the present writ petition.

Learned counsel for the petitioners submits that the */is* in the writ petition is squarely covered by the order dated 27.01.2015, passed by this Court in WP.No.744 of 2015 and the same is not disputed by the learned counsel for respondents.

Following the ratio laid down in the said writ petition, the petitioners are directed to submit a representation to the Officer who seized the vehicle for its release and on such representation 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 vehicles 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.

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 execution of a bond in terms of Rule 18(vii) of the Rules.

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

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

A.RAJASHEKER REDDY, J

19.02.2015

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