

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.6934 OF 2015

Date: 20.03.2015

Between:

Chittiboyina Gopi.

.... Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary to Panchayat Raj Department,
Hyderabad and 2 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.6934 OF 2015

ORDER:

This Writ Petition is filed for a mandamus declaring the action of the 3rd respondent in not releasing the petitioner's lorry bearing No.AP-26-Y-3006 as arbitrary and illegal and violative of Articles 14 and 21 of the Constitution of India.

Today, when the matter is taken up for hearing, it is stated by the learned counsel for the petitioner that this Court in similar circumstances disposed of W.P.No.98 of 2015 by order dated 07.01.2015 and the same is not disputed by the

learned Assistant Government Pleader for Home.

Following the same, this writ petition is disposed of directing the petitioner to submit a representation to the officer, who seized the vehicle, and thereupon 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 on execution of a bond in accordance with Rule 18 (vii) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short, 'the 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 case falling within the ambit of Rule 18 (i)(a) of the Rules, on payment of the prescribed penalty; and also execution of bond in terms of Rule 18(vii) of the Rules. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 20.03.2015

Note:

Furnish C.C. tomorrow

(B/o)

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