

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 29792 of 2015

ORAL ORDER:

First petitioner claims to be owner of vehicle bearing No. AP 31 TB 4949 and second petitioner is owner of vehicles bearing Nos. AP 31 TE 3555 and AP 31 TD 2525. Said vehicles were seized on 8.9.2015 on the allegation that petitioners were engaged in illegal transportation of sand without transit form/transit pass.

2. Challenging the seizure of vehicles and keeping them in the custody of police for long time, this writ petition is filed.

3. Learned counsel for petitioners submitted that there is no progress in the matter after seizure of vehicles and they are kept in the custody of police, exposed to sun light, air and rain affecting the operational capacity of the vehicles. So far custody of vehicles is not given to the competent Court, therefore petitioners have no alternative except to invoke the jurisdiction of this Court.

4. Learned counsel further submitted that in accordance with orders passed in G.O.Ms No.95 Industries & Commerce (M.IV) Department dated 28.8.2014 petitioners are entitled for temporary custody of vehicles on fulfillment of conditions mentioned therein. Learned counsel for petitioners placed reliance on the orders of this Court dated 8.9.2015 in W P No. 28622 of 2015, wherein at para 5 this Court observed as under:

“5. Reading of provisions of above two Government Orders would make it clear that even when a vehicle is seized by the Police Officer, vehicle can be released in accordance with provision contained in para 18 of G O Ms No. 95 dated 28.8.2014 provided the vehicle is not kept in the custody of the competent Court by the time request for release of the vehicle is made.”

5. In view of the orders of Government in G.O.Ms No.95 dated 28.8.2014 and G.O.Ms No. 6 dated 12.1.2015, the writ petition is disposed of, directing the petitioners to submit representation to the jurisdictional Revenue Divisional Officer /2nd respondent for release of the vehicle. The 2nd respondent shall within three days from the date of receipt of the representation, examine whether vehicles bearing No. AP 31 TB 4949, AP

31 TE 3555 and AP 31 TD 2525 are having valid transit permits/way bills and release the same if he is convinced. On the contrary, if he is of the opinion that vehicles were used in the commission of the offence as prohibited by G.O.Ms No.95 dated 28.8.2014 read with G.O.Ms No. 6 dated 12.1.2015 release the same by duly observing relevant provisions of G.O.Ms No.95 dated 28.8.2014 and with such conditions as warranted, including execution of bond by the owner of the vehicles for their production as and when directed by the Competent Court; deposit of amount; and not to create third party interest. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P NAVEEN RAO,J

DATE: 16.9.2015

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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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