

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.6046 of 2016

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Panchayat Raj appearing for 1st respondent, learned Government Pleader for Revenue appearing for respondent Nos.2 to 4 and learned Government Pleader for Home appearing for 5th respondent.

2. This Writ Petition, under Article 226 of the Constitution of India, is filed assailing the action of the 6th respondent-the Station House Officer, T. Sundupalli Police Station in seizing the tractor bearing No.AP-04-AX-1432 and Tractor bearing No.AP-04-TX-0183 of the 1st petitioner and the tractor bearing No.AP-04-AN-8438 and Tractor bearing No.AP-04-AN-8442 of the 2nd petitioner, on the ground that the said vehicle was transporting sand without any permission, and in detaining the said vehicle loaded with sand at the police station without releasing it, as arbitrary, illegal and contrary to law.

3. The learned counsel for the writ petitioners would submit that this Court has disposed of writ petitions seeking similar reliefs by directing release of the vehicles involved in similar cases subject to certain conditions and that, therefore, this writ petition may be disposed of by passing similar orders as were passed earlier by this Court in similar writ petitions.

4. The learned Government Pleader for Revenue representing the 3rd respondent and the learned Government Pleader for Home representing the 5th respondent would submit

that the 3rd respondent is competent to release the vehicle as per G.O.Ms.No.6 dated 12.01.2015, though the vehicle was seized by the 5th respondent.

5. In view of the undisputed legal position and the facts and the ratio laid down in the order dated 07.01.2015 passed in writ petition No.98 of 2015, which was followed by this Court in the W.P.No.3866 of 2015, the 3rd respondent is directed to consider the representation dated 16-02-2016 of the petitioner and direct the release of the aforementioned vehicle on payment of prescribed penalty and also on execution of a bond in accordance with the relevant rules by the owner of the vehicle for its production as and when directed by the competent Court to which the seizure was reported by the Officer who had seized the vehicle. The entire exercise culminating in an appropriate order to be passed accordingly shall be completed within three (3) days from the date of the receipt of a copy of this order; and, necessary action as required under law shall accordingly be taken for release of the aforementioned vehicle.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 25-02-2016

Note:

Issue C.C. tomorrow.

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