

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.33972 OF 2016

ORDER:

Heard Mr.P.Vengala Reddy for petitioners. No representation for respondents. In spite of granting time on 30.09.2016 and 29.11.2016, the respondents neither filed counter-affidavit nor represented by the counsel.

The petitioners pray for the following relief:

“.....this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in passing the impugned Order dated 22.09.2016 in Ref No.E3/2339/2016 by imposing the penalty amount of Rs.2 lakhs to each vehicle of the petitioners and also directed the 3rd respondent to release the vehicles duly imposing the penalty and act as per rules in force in releasing the vehicles is illegal, arbitrary and against the principles of natural justice and consequently direct the respondents 3 and 4 to release the petitioners vehicles bearing No.AP-02-AY-3134 & AP-02-1Y-3135 (1st petitioner) and Tractor & Trailer No.AP-02-BF-4014 & AP-02-BF-4015 (2nd petitioner) and Tractor & Trailer bearing No.AP-02-BF-3477 & AP-02-BF 3478 (3rd petitioner) and pass.....”

Through the proceeding impugned in the writ petition, the release of tractors is ordered subject to petitioners complying with the penalty imposed in the proceeding dated 22.09.2016.

Learned counsel tried to persuade this Court both on the principle of levying penalty and also on the quantum of penalty levied by the respondents. This Court is of view that the 2nd respondent does not have discretion in this matter for release of

seized vehicles under Government Orders issued from time to time. As the petitioners are unable to point out that the penalty imposed is contrary to the Government Order, this Court is not inclined to entertain the writ prayer.

The petitioners are at liberty to approach the 3rd respondent within one week from today and subject to the petitioners complying with the penalty imposed by the respondents, the 3rd respondent is directed to release the vehicles forthwith.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

07th December, 2016

Lrkm



S.V. BHATT, J