

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.2600 of 2016

Dated 29.01.2016

Between:

B.Swamy

... Petitioner

and

-
The State of Telangana
rep. by its Prl.Secretary
Home Dept.,
Hyderabad and 2 others.

...Respondents

Counsel for the petitioner:

Mr.Mr.Golla Seshadri

Counsel for respondent Nos.1 & 3: AGP for Home

Counsel for respondent No.2:

AGP for Mines & Geology

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.3 in seizing the petitioner's lorry bearing registration No.AP 05 W 4347 and registering Crime No.10 of 2016 without proper investigation, as illegal and arbitrary.

At the hearing, the learned Assistant

Government Pleader for Home (Telangana State), on instructions, submitted that as the petitioner's lorry was found carrying sand illegally, respondent No.3 has seized the same and after registering Crime No.10 of 2016, produced the same before the Judicial First Class Magistrate, Korutla, Karimnagar District. He has further submitted that as the Judicial First Class Magistrate has kept the seized lorry in the custody of respondent No.3 after production, the said respondent has no jurisdiction to release the same and that the petitioner will have to approach the jurisdictional Magistrate for release of the seized lorry.

In the light of the above submissions of the learned Assistant Government Pleader, the Writ Petition is disposed of by permitting the petitioner to approach the jurisdictional Magistrate for release of the seized lorry.

As a sequel to disposal of the Writ Petition, WPMP.No.3264 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th January, 2016
LUR

