

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.639 of 2016

Dated 07th January, 2016

Between:

Vegi Rohini

...Petitioner

And

The State of Andhra Pradesh, rep.by the Principal Secretary,
Department of Home, A.P.Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri Ch.Janardhan Reddy

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

Counsel for respondent No.2: AGP for Revenue

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 tipper bearing registration No.AP16TX 4115, on the allegation that it was found transporting sand illegally, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized tipper.

At the hearing, Ch.Janardhan Reddy, learned counsel for the petitioner, fairly conceded that neither the date and particulars of the purported application made by the petitioner has been pleaded in the affidavit nor a copy of the same had been filed by the petitioner. He has further submitted that as per G.O.Ms.No.95, dated 28.8.2014, as amended by G.O.Ms.No.6, dated 12.01.2015, respondent No.3 shall forward the applications made by the owners of the seized vehicles to

respondent No.2, who is empowered to consider and release the same as per the said G.Os.

Inasmuch as no evidence is filed before the Court by the petitioner to show that she has made an application to release the seized tipper, I am not inclined to direct the respondents to consider release of the seized tipper at this stage. However, the petitioner is permitted to make an application before respondent No.3. Within three days of making such application, respondent No.3 shall forward the same to respondent No.2. Within three days thereafter, respondent No.2 shall consider and dispose of the said application in accordance with the above-mentioned G.Os., and communicate the same to the petitioner.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.M.P.No.794 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016
VGB