

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42566 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in seizing the JCB bearing No.AP 21 J 7741 belonging to the petitioner, as illegal and arbitrary and consequently, direct the 2nd respondent to forthwith release the said vehicle to the petitioner.

Heard and perused the material available on record.

The case in brief is that the petitioner is the owner of JCB bearing No.AP 21 J 7741 and that the vehicle was seized by the 2nd respondent, on the ground that the said vehicle was loading sand into a tipper without permission. The grievance of the petitioner is that the vehicle is under the control of 2nd respondent, and the 2nd respondent is not releasing the same and is not producing the same before the Court concerned, and in case the vehicle is kept idle, it would get damaged and the petitioner is ready to furnish sufficient surety for the release of the vehicle.

Considering the facts and circumstances of the case, the 2nd respondent is directed to produce the vehicle before the Court concerned, and the petitioner is directed to approach the Court concerned, where the FIR is pending, and file an application for return of the vehicle. On such application being filed, the Court concerned shall consider the same and pass appropriate orders, in accordance with law.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 07, 2016.
KTL

