

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.16439 of 2016

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent No.2 in seizing the petitioner's Tractor and Trailer bearing registration Nos.TS 05 UB 1969 and TS 05 UB 1970 as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to release the seized vehicle.

The petitioner pleaded that on 15.05.2016, respondent No.2 has seized the aforementioned vehicle on the allegation that it was used for illegal transportation of sand and that he has made an application, dated 15.05.2016 to respondent No.2, who is the competent authority, for release of the seized vehicle. The petitioner's grievance is that no action has been taken by respondent No.2 on his application so far.

At the hearing, it is submitted by the learned counsel for both parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, respondent No.2, who is stated to have seized the vehicle, is competent to release the seized vehicle.

In view of the above noted facts, it is appropriate that respondent No.2 considers release of the seized vehicle. Since the petitioner has already submitted his application, dated 15.05.2016, to the said respondent, he is directed to consider the same and pass appropriate orders as per the aforementioned G.Os., for release of the seized vehicle within a period of three days from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of. Miscellaneous petitions, if any, shall stand closed. No costs.

M.S.K JAISWAL, J

19th May, 2016
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Date: 19.05.2016

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