

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4237 OF 2016

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent No.2 in not releasing the petitioners' vehicle bearing (Tippers) Registration Nos. AP 02 W 9055 and AP 29 U 4178 as illegal and arbitrary.

The petitioners pleaded that they are the owners of the above-mentioned tippers, that on 02.02.2016, the said tippers were seized and that based on the said seizure, respondent No.3 registered FIR No.10 of 2016 on 02.02.2016 against them and the drivers of the tippers. The petitioners further averred that as the alleged violation is of first instance, they are entitled to get the seized tippers released by paying the prescribed penalty in terms of G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015 and that in spite of the representation, dated 05.02.2016, made to respondent No.2 for release of the tippers, no order has been passed thereon.

Inasmuch as respondent No.3 is also authorised to release the seized tippers in terms of G.O.Ms.No.15, dated 19.02.2015, I find it appropriate that the petitioners make the applications before him as he is the one who has seized the petitioners' tippers and is evidently in custody of the same. Hence, the petitioners are permitted to make the applications to respondent No.3 for release of the seized tippers. Within three days of receipt of such applications, respondent No.3 shall consider, take appropriate decision thereon and communicate the same to the petitioners.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.P.No.5429 of 2016 shall stand disposed of as infructuous.

Gk

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

— — — — —

-
-
-

WRIT PETITION No.4237 OF 2016

-

Date:16.02.2016

Gk