

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.34651 OF 2016

ORDER:

Heard Sri A.Bhaskara Chari, the learned counsel for the petitioner, and the learned Government Pleaders for Panchayat Raj and Rural Development, Revenue, and Home.

2. The petitioner claims that he is the owner of Excavator – Tata-Hitachi Ex 210 LCH Machine Serial No.210V 1452. On 15.06.2016, the third respondent seized the vehicle of the petitioner alleging that he was using the vehicle for illegal transportation of sand. The third respondent registered a case in Crime No.79 of 2016 under Section 379 read with 109 I.P.C. and Section 3 of Prevention of Damage to Public Property Act, 1984 against the petitioner. The petitioner further claims that in spite of application made by him, the third respondent did not release the vehicle. The fact remains that the petitioner's vehicle was kept under the custody of the third respondent.

3. The learned counsel for the petitioner submitted that the issue involved in this Writ Petition is squarely covered by the decision of this Court in W.P.No.39888 of 2015 dated 09.12.2015 and that a large number of similar and identical cases have been disposed of directing the authorities to release the seized vehicles in terms of 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.

4. While concurring with the aforesaid submissions made by the learned counsel for the petitioner, the learned Government Pleaders would submit that this Writ Petition may be disposed of in similar lines to the order of this Court in W.P.No.39888 of 2015.

5 In view of the same, the second respondent is hereby directed to release the vehicle of the petitioner in the light of the aforementioned G.Os within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 14.10.2016
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