

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5833 of 2016

DATED 4th March, 2016

BETWEEN

Jangam Gangadharappa

...Petitioner

And

The State of Telangana, rep. by its
Principal Secretary, Industries and Commerce Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5833 of 2016

ORDER:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.2 in not releasing the petitioner's Tractor bearing Registration No. TS16EA3549 and trailer bearing Registration No. AP 25 AL 1402 as illegal and arbitrary.

The petitioner pleaded that he is the owner of the above-mentioned tractor and trailer, that on 17.12.2015, the said tractor and trailer were seized and based on the said seizure, respondent No.3 registered FIR No. 409 of 2015 on 17.12.2015 against him. The petitioner further averred that as the alleged violation is of first instance, he is entitled to get the seized tractor and trailer 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 20.12.2015, made to respondent No.2 for release of the tractor and trailer, no orders have been passed thereon.

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

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 4th March, 2016.
Msnr_x