

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39707 of 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the respondents in seizing the vehicles of the petitioners, bearing Nos.AP 28 V 2229 and AP 29 T 0512, in CC No.529 of 2016 on the file of XXVI Metropolitan Magistrate, Rachakonda District at Maheshwaram, as illegal and arbitrary, and consequently, set aside the same.

Heard and perused the material available on record.

The case in brief is that the petitioners are owners the vehicles i.e. Goods Carriers HMV, bearing Nos. AP 28 V 2229 and AP 29 T 0512, and the said vehicles were intercepted by the 2nd respondent, while they were transporting mud from N.D. Thanda to Pulimamidi village, on the ground that the drivers took the vehicles to Chalapathi Venture to filter the mud through the generator with the water available at Chalapathi venture, and manufactured sand by filtering the mud. Basing on the panchanama, the 3rd respondent registered Crime No.202 of 2016 for the offences under Sections 447 IPC and 35 (1) of AP WALT Act.

The grievance of the petitioners is that the vehicles are now under the control of the 2nd respondent and when they approached the 2nd respondent for interim custody of the vehicles, he did not agree for release of the said vehicles since the case is pending, and that though the charge sheet is filed in the above case, the vehicle are not produced before the Court concerned, and when they filed an application before the Court concerned also, the said application was not entertained, and if the vehicles are kept idle, they would get damaged, and that the

petitioners are ready to furnish sufficient sureties for release of the vehicles.

Considering the facts and circumstances of the case, the petitioners are directed to approach the Court concerned, where the charge sheet is filed, and file an application for return of the vehicles. 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.

November 17, 2016.
KTL



RAJA ELANGO, J

