

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5338 of 2016

ORDER:

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This writ petition is filed for a writ of Mandamus declaring the action of the respondents in seizing the petitioners' tractors bearing No.AP 21 D 2932 & Trailer No. AP 31 Y 4672, Tractor bearing No. AP 30 T 5494 and Trailer No. AP 31 Y 7031 and the Tractor No. AP 37 AA 1176 and Trailer No. AP 31 TW 8028 and the Tractor No. AP 31 TC 4855 and Trailer No. AP 27 H 9166, without following any procedure under the statutes as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents to release the petitioners' tractors for their interim custody.

The case of the petitioners is that they are the registered owners of the tractors bearing No.AP 21 D 2932 & Trailer No. AP 31 Y 4672 of the 1st petitioner, Tractor bearing No. AP 30 T 5494 and Trailer No. AP 31 Y 7031 of the 2nd petitioner, Tractor bearing No. AP 37 AA 1176 and Trailer No. AP 31 TW 8028 of the 3rd petitioner and the Tractor bearing No.AP 31 TC 4855 and Trailer No. AP 27 H 9166 of the 4th petitioner, and using the same for agriculture works and rarely transporting goods and the petitioners are having all relevant permissions from Transport authorities also. It is stated that on 02.02.2016 the 2nd respondent seized the tractors on the ground that the tractors were transporting illegal sand quarry even though the sand was transporting with valid sand way bill, issued by the 3rd respondent-Tahsildar, Yelamanchili Mandal. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

Having regard to the facts and circumstances of the case and in view of the fact that the petitioners have valid transit way bill in their favour, it is for

the petitioners to make appropriate applications to the respondents 3 and 4 along with copy of the transit way bills and the respondents 3 and 4, may, after satisfying with the genuineness of the copies of the transit way bill, consider the same and pass appropriate orders for release of the subject tractors and if the respondents 3 and 4 are not satisfied, the vehicles may be released keeping in view the guidelines issued by the Government vide G.O.Ms.No.95, dated 28.08.2014 for imposing penalties.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

JUSTICE CHALLA KODANDA RAM

DATED: 19th February, 2016.

Note: Issue C.C. today.

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