

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.34519 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the second respondent in not releasing the petitioner's Tractor and Tractor bearing Nos.AP 15 AV 7968 and AP 15 AV 7969 as being illegal and arbitrary; and consequently to direct the second respondent to release the above mentioned vehicle to the petitioner.

2. Heard Sri P.L.Rao, learned counsel for the petitioner and the learned Government Pleader for Home (Telangana) representing the first and second respondents.

3. The petitioner claims that he is the owner of the Tractor and Trailer bearing Nos.AP 15 AV 7968 and AP 15 AV 7969. A perusal of the record reveals that the vehicle of the petitioner was intercepted on 02.09.2016 alleging that the petitioner was transporting the sand in the vehicle without any valid way bills and permit. A perusal of the record further reveals that the Station House Officer, Veenavanka Police Station registered a case in Crime No.154 of 2016 under Section 379 IPC against the petitioner. It is the case of the petitioner that the second respondent did not release the vehicle of the petitioner in spite of his repeated requests.

4. Learned counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the decision of this Court in Writ Petition No.39888 of 2015 dated 09.12.2015 and that a large number of similar and identical cases have been disposed

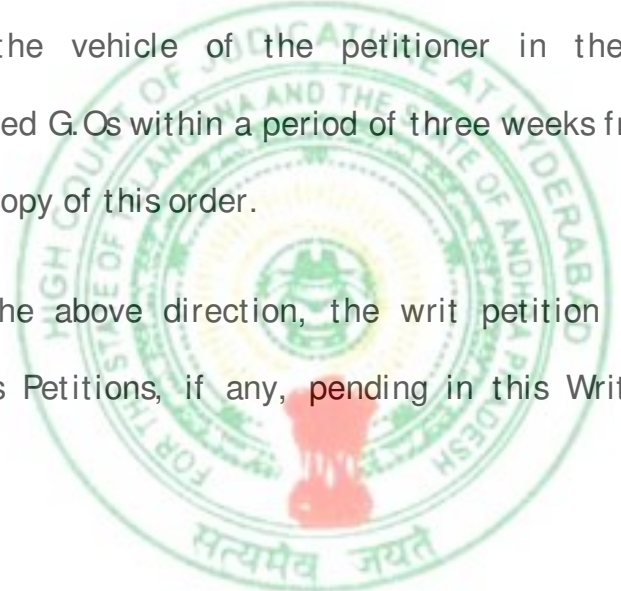
of directing the authorities to release the seized vehicles in terms of G.O.Ms.No.3, Industries and Commerce (Mines.I) Department, dated 08.01.2015 as amended by G.O.Ms.No.15, Industries & Commerce (Mines.I) Department, dated 19.02.2015.

5. While concurring with the aforesaid submissions made by the learned counsel for the petitioner, the learned Government Pleader would submit that this writ petition may be disposed of in similar lines to the order of this Court in writ petition No.39888 of 2015.

6. In view of the above, 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.

7. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

14.10.2016
Pns

T.SUNIL CHOWDARY, J

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY



WRIT PETITION No.34521 OF 2016

Date:14.10.2016

Fns