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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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WRIT PETITION No.16746 OF 2016

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ORDER:

This writ petition is filed for a Mandamus to declare the action of the 2nd respondent in seizing the petitioner's lorry bearing No.AP 22 Y 7119 ('vehicle' for brevity) as illegal and arbitrary. In the writ petition, the petitioner sought consequential direction to the respondents to release the seized vehicle.

The case of the writ petitioner is that on 17.05.2016, when the said vehicle is proceeding to Addakal with a load of sand, the same was stopped and seized by the officials of the 2nd respondent alleging that the vehicle is being used for illegal transportation of sand and that he had made an application on 20.05.2016 to the 2nd respondent, who is the competent authority, for release of the said vehicle and had also offered to pay the penalty.

The grievance of the petitioner is that no action has been taken by the 2nd respondent on the said application so far.

At the hearing, it is submitted by the learned counsel for both the parties that as per 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, the 2nd respondent, who is stated to have seized the vehicle, is competent to release the said vehicle.

In view of the facts and submissions, it is appropriate that the 2nd respondent considers the release of the seized vehicle, since the petitioner has already submitted an application to the 2nd

respondent and as he is prepared to pay the penalty payable.

In view of the same, the writ petition is disposed of with a direction to the 2nd respondent/respondent concerned to release the aforementioned vehicle to the petitioner as per the aforementioned G.Os. within a period of three (3) days from the date of receipt of a copy of this order, subject to the petitioner producing the official receipt showing payment of penalty amount along with vehicular documents.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 26.05.2016
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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.16746 OF 2016
DATE:26.05.2016

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