

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1140 OF 2017

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents in seizing the tractor-trailors bearing Registration Nos.AP 07 AT 6981 and AP 07 AT 6982, AP 07 J 5891 and AP 07 J 5892; and AP 07 TW 7576 and AP 07 TW 7577 of the petitioners without following any procedure under statutes contemplated under the New Free Sand Policy as illegal and arbitrary, and consequently direct the respondents to release the said vehicles with sand from custody of the second respondent.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners are owners of the tractor-trailors bearing Registration Nos.AP 07 AT 6981 and AP 07 AT 6982, AP 07 J 5891 and AP 07 J 5892; and AP 07 TW 7576 and AP 07 TW 7577 and while they are shifting the sand from Rayapudi reach to Guntur in the said vehicles, the second respondent seized the vehicles, though the petitioners have valid documents and way bills. The petitioners are eking out their livelihood by using the said vehicles only and as such, prays this Court to release the vehicles along with sand.

Considering the facts and circumstances, it is directed that the tractor-trailors bearing Registration Nos.AP 07 AT 6981 and AP 07 AT 6982, AP 07 J 5891 and AP 07 J 5892; and AP 07 TW 7576 and AP 07 TW 7577 along with sand shall be released to the petitioners for interim custody of the vehicles, subject to final orders to be passed in the main case, on condition of the petitioners executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each with one surety for a like sum each to the satisfaction of the learned Magistrate concerned, and subject to production of all the documents relating to the vehicle in

question. The petitioners shall also give an undertaking not to sell, alter or alienate the said vehicles and produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

06.01.2017
pln

