

HON'BLE SRI JUSTICE A.V. SSHA SAI

WRIT PETITION No. 3847 OF 2017

ORDER:

This writ petition is filed for the following relief:

“... to issue an order or direction more particularly one in the nature of writ of mandamus declaring that the seizure of the 1st petitioner's Tractor No.TS 05EF 8800 & Trolley No.TS 05EF 8801, 2nd petitioner's Tractor No.AP 24TA 9442 & Trolley No.AP 24TA 9438, 3rd petitioner's Tractor No.AP 24 AU 1402 and Trolley No.AP 24 AU 1403, 4th petitioner's Tractor No.TS 05UA 0712 & Trolley No.TS 05UA 0713, 5th petitioner's Tractor No.TS 05UA 3211 & Trolley No.TS 05UA 3212, 6th petitioner's Tractor No.AP 24TC 3856 & Trolley No.AP 24TC 3857, 7th petitioner's Tractor No.TS 05ET 7882 & Trolley No.F/R, 8th petitioner's Tractor No.AP 24AV 2954 & Trolley No.TS 05EF 9514, 9th petitioner's Tractor No.AP 24TC 4741 & Trolley No.AP 24TC 4740, 10th petitioner's Tractor No.AP 24UDTR 8261 & Trolley No.TS 05BTR 0822, 11th petitioner's Tractor No.TS 05EJ 4460 & Trolley No.TS 05UB 5594 and 12th petitioner's tractor bearing Chasis No.ZFBS001-32 by the respondent No.2 and also the action of the 2nd and 3rd respondents in not releasing the petitioners tractors and Trolleys is illegal, arbitrary and violation of Article 19(1)(g) of the constitution of India and consequently direct the 2nd and 3rd respondents to release the petitioners' Tractors and Trailers by collecting penalty as per rules.”

Learned counsel for the petitioners submits that the petitioners are the owners of the subject vehicles and that the said vehicles were seized. He further submits that as the alleged violation is of the first instance, the petitioners are entitled for release of the seized vehicles on payment of the prescribed penalty in terms of G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015.

Inasmuch as the 2nd respondent is authorized to release the seized vehicles in terms of G.O.Ms.No.15, dated 19.02.2015, as they are in his custody, the writ petition is disposed of permitting the petitioners to make applications to the 2nd respondent for release of the seized vehicles. Within three days from the date of receipt of such applications, the 2nd respondent shall consider, take appropriate decision thereon and communicate the same to the petitioners.

Miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.

A.V. SESA SAI, J

Date: 03.02.2017
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