

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17136 of 2017

ORDER:

The petitioner filed this Writ Petition by invoking the provisions under Article 226 of the Constitution of India, seeking to declare the action of the 2nd respondent in issuing proceedings, dated 01.05.2017, and seizing the petitioner's vehicle i.e. Tractor bearing No.AP 30 W 4782, as illegal and arbitrary, and consequently, direct the respondents to release the petitioner's vehicle.

Heard and perused the material available on record.

Petitioner's vehicle i.e. Tractor bearing No.AP 30 W 4782 was seized by the 2nd respondent on the ground that it was used in illegal transportation of sand.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and the vehicle is in the custody of the 2nd respondent and if the vehicle is kept idle for a long period, there is every possibility of getting it damaged and that the petitioner is ready to furnish surety for interim custody of the vehicle.

Learned Government Pleader for Mines & Geology objects for the same, since the vehicle is involved in a crime.

Considering these circumstances, the respondents are directed to release the vehicle i.e. Tractor bearing No.AP 30 W 4782, for interim custody of the petitioner, subject to condition of furnishing third party security to the satisfaction of the competent authority, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate and shall not change the physical features

of the vehicle and he shall undertake to produce the vehicle as and when required by the authorities.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 15, 2017.

KTL

