

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17770 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the State of Andhra Pradesh. With their consent, the present writ petition is disposed of at the admission stage itself.

2. The Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking issuance of a writ of *mandamus* declaring the action of respondent No.2 in seizing the tractor of the petitioner bearing No. AP 04 AQ 0790 along with trolley bearing No. AP 16 TU 0986, as highly illegal, arbitrary and in violation of G.O.Ms.No.15 dated 19.02.2015 and consequently, to direct respondent No.2 to release the aforementioned tractor with trolley.

3. The case of the petitioner is that he is owner of the tractor and trolley. The 2nd respondent is alleged to have seized the tractor by registering a case in Crime No.44 of 2017 for the offence punishable under Section 379 IPC read with 21 (4) of MMDAR Act.

4. Learned counsel for the petitioner would submit that as on today the vehicle is still in the custody of the police and the same has not been produced before the Court. It is said that if the vehicle is kept idle there is every likelihood of the vehicle getting damaged.

5. Since the issue involved in this case is covered by the order, dated 17.02.2017, passed in Writ Petition No.5544 of 2017, this Writ Petition is disposed of directing the authorities to follow G.O.Ms.No.3, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, and take further action, within a period of one week from the date of receipt of a copy of this order.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Date:07.06.2017
INL

JUSTICE C. PRAVEEN KUMAR

