

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4747 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“To issue a writ or order or direction, especially one in the nature of Writ of Mandamus: i) declare the action of the respondents in seizing the Tractor No. TS-02EA-5691 along with Trailer No. TS-02EA-5274 belonging to the petitioner, as illegal and arbitrary and violative of Articles 19 (1) (g) and 21 of the Constitution of India ii) consequently direct the respondents to release the Tractor No. TS-02EA-5691 along with Trailer No. TS-02EA-5274 belonging to the petitioner.”

2. The petitioner pleaded that on 04.02.2017, respondent No.3 has seized the aforementioned vehicle on the allegation that it was used for illegal transportation of sand.

3. At the hearing, it is submitted by the learned counsel for both 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, respondent No.2, who is stated to have seized the vehicle, is competent to release the seized vehicle.

4. In view of the above noted facts, it is open to the petitioner herein to file an application before the 2nd respondent to release the said vehicle. If any such application is made, the said respondent shall consider the same and pass appropriate orders as per the aforementioned G.Os. for release of the seized vehicle within a period of three days from the date of receipt of a copy of this order.

5. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:10.02.2017
grk

