

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.9533 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed 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.AP-15AZ-9953 with Trailer No.AP-15AG-8075, Tractor No.AP-15-TC-4499 with Trailer No.AP-15TC-4500 & Tractor No.TS-02LTR-4813 with Trailer, belonging to the petitioners, respectively, 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.AP-15AZ-9953 with Trailer No.AP-15AG-8075, Tractor No.AP-15-TC-4499 with Trailer No.AP-15TC-4500 & Tractor No.TS-02LTR-4813 with Trailer, belonging to the petitioners, respectively.

(iii) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. According to the case of the petitioners, the afore-stated three vehicles were seized; and that out of them two vehicles were seized, on 28.02.2017, and that the third vehicle was seized, on 21.02.2017.

3. At the hearing, the learned counsel for the petitioners and the learned Government Pleader for Revenue representing the third respondent would submit 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, the second respondent, who is stated to have seized the vehicles, is competent to release the seized vehicles and

that in all cases involving identical facts this court is granting orders for release of the vehicles.

4. Having regard to the submissions, liberty is given to the petitioners to file application/s before the second respondent for release of the vehicles afore-stated. In case any such application/s is/are made, the second respondent shall consider the said application/s and pass appropriate orders, as per the aforementioned GOs, for release of the said seized vehicles within a period of three days from the date of filing of the application/s by the petitioners.

With the directions afore-stated, the Writ Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.



JUSTICE M. SEETHARAMA MURTI

March 17, 2017

Note: - Issue copy by 21.03.2017.

{B/o}
LMV