

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.33951 of 2017

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed by the petitioners seeking the following relief:

“to issue a writ or order more particular one in the nature of writ of mandamus declaring the action of the 2nd respondent in seizing the petitioners vehicles bearing Nos.1) AP 24 D 1387-AP 24 D 1388, 2), AP 20 TA 1192-AP 20 TA 1190, 3) AP 24 AV 1409-AP 24 AQ 6839, 4) AP 24 AV 0716-AP 24 A 0717, 5) AP 24 TB 5734-AP 24 TB 5735 and 6) AP 24 AH 3500- AP 24 Q 1811- Tractors and trailers of the petitioners without following any procedure as envisaged under Govt. orders vide G.O.Ms.No.3 dated 8-1-2015 Industries and Commerce (Mines-I) Department and G.O.Ms.No.15 dated 19-2-2015 as illegal, arbitrary, high handness and against the principles of natural justice and violative of Article 14,16,19(1) (g), 21, 300 A and 301 of the Constitution of India and consequential directions to the respondents to give interim custody and release the petitioners vehicles bearing No. 1) AP 24 D 1387-AP 24 D 1388, 2) AP 20 TA 1192-AP 20 TA 1190, 3) AP 24 AV 1409-AP 24 AQ 6839, 4) AP 24 AV 0716-AP 24 A 0717, 5) AP 24 TB 5734-AP 24 TB 5735 and 6) AP 24 AH 3500- AP 24 Q 1811- Tractors and trailers to the petitioners forthwith.”

2. I have heard the submissions of the learned counsel for the petitioners and the learned Assistant Government Pleader for the respondents. I have perused the material record.

3. The learned counsel for the petitioners states that the vehicles seized are still in the custody of the police authorities and, therefore, the judgment rendered by this Court in W.P.No.27998 of 2015 would apply.

4. The learned Assistant Government Pleader submits that he has yet to receive instructions as to whether the custody of the vehicles is still

with the police authorities or whether the same have been produced before a competent Court. However, the learned counsel for the petitioners would reiterate that he has been instructed to inform the Court that the vehicles are still in the custody of the police authorities.

5. Accepting the said statement and following the decision of this Court in the earlier writ petition, this Writ Petition is disposed of in terms of the said decision with the following directions:

“The petitioners are directed to submit an application for release of the vehicles before the competent authority and the competent authority, within three (03) days from the date of receipt of such application, examine whether the vehicles are used in committing the offence for the first and second time and if so, consider directing release of the vehicles on payment of the prescribed penalty. If, on the other hand, the vehicles are found to have been used in commission of the offence for three or more times, the officer concerned shall consider directing release of the vehicles after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15 dated 19.02.2015 and also on execution of bond along with an affidavit giving consent to produce the seized vehicles as and when required.”

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 31st October, 2017

Note: Issue C.C. today.

(B/o.)
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