

THE HONOURABLE SRI JUSTICE A. V. SESA SAI

WRIT PETITION No.25731 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in seizing the vehicle bearing AP 28 DS 0849 and Chassis No.1PY5038DTCA000601, Engine No.PY3029D301192 (Tractor) belonging to the petitioner without following any procedure known to law, as arbitrary, illegal and violative of Article 19, 21 of the Constitution of India and consequently direct the respondents to release the above vehicle from the custody of the respondents forthwith and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Today, when the matter is taken up, it is submitted by learned counsel for the petitioner, learned Government Pleader for Transport appearing for respondent Nos.1 and 2 and Sri N.Vasudeva Reddy, learned Standing Counsel for TSRTC appearing for respondent No.3, that the issue in the present writ petition is squarely covered by the order passed by this Court in W.P.No.6253 of 2015 dated 12.03.2015 and a copy of the same is placed on record. The operative portion of the said order reads as under:

“In view of the same, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to release the vehicle of the petitioner on payment of tax and the compounding fees as determined in the impugned proceedings, but he shall not insist the petitioner for payment of penalty. However, the penalty shall be recovered after issuing show cause notice and completion of enquiry by following due process of law. The petitioner (is) also directed to produce all the relevant documents before the 2<sup>nd</sup> respondent in proof of ownership

of vehicle. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.”

Following the above referred order and for the reasons recorded therein, this writ petition is also disposed of in terms of the above mentioned order dated 12.03.2015. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A. V. SESA SAI

07.08.2017

**Note:** Registry shall annex a copy of the order dated 12.03.2015 passed in WP.No.6253 of 2015, while communicating this order.

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