

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

WRIT PETITION No.4656 of 2017

ORDER:

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

“To issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the seizure of the petitioner's vehicle bearing No. AP 29 V 7989 vide vehicle check report No.208600 dated 07-02-2017 is illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and further declare the action of the 2nd respondent in not releasing the same by collecting overload penalty as per the provisions of Motor Vehicles Act is also illegal and arbitrary and consequently direct the 2nd respondent to release the petitioner vehicle.”

2. The petitioner pleaded that on 07.02.2017, 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
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