

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

WRIT PETITION No.16430 OF 2017

ORDER:

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

“declare the action of the respondents in seizing the Mini Tipper No.TS-12-UA-1520, belonging to the petitioner, as illegal and arbitrary and violative of Articles 19 (1) (g) and 21 of the Constitution of India.

Consequently direct the respondents to release the Mini Tipper No.TS-12-UA-1520, belonging to the petitioner.”

2. The petitioner pleaded that on 09.03.2017 the 2nd respondent 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 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 for 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. With the above direction, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

APRIL 28, 2017

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Date: 28.04.2017

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