

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38125 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit the petitioner herein prayed that this Hon’ble Court may be pleased to issue writ order or direction especially one in the Nature of Writ of Mandamus declaring the action of the respondents 2 & 3 in not releasing the petitioners Tractors & Trailers bearing Nos. AP 24 AR 2096 & AP 24 AR 2097 and AP 26 AG 7995 & AP 26 AG 7996 inspite of the petitioners offering to pay the penalty as contemplated under GO Ms 15 dt. 19-02-2015 is illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the 2nd & 3rd respondents to release the petitioners Tractors & Trailers by collecting penalty as per GO Ms No.15 and pass other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Ch. Ravinder*, learned counsel appearing for the petitioners, and of the learned Assistant Government Pleader for Home appearing for respondents 1 & 3. I have perused the material record.

3. Learned counsel for the petitioners would submit that the petitioners are the owners of the respective tractors and trailers and that the facts of the present case are identical to the facts in W.P.No.35397 of 2017 and that, therefore, the relief that was granted to the petitioners in the said writ petition may be granted to the petitioners in the present writ petition.

4. The learned Assistant Government Pleader appearing for respondents 1 & 2 would only submit, on instructions, that a crime has been registered pursuant to the seizure of the vehicles. However,

learned counsel for the petitioners submits that the seizure of the vehicles is not yet reported to any Court concerned.

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 applications for release of the vehicles before the competent authority and the competent authority, within three (03) days from the date of receipt of such applications, 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 bonds along with affidavits giving consent to produce the seized vehicles as and when required.”

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 16th November, 2017

Note: Issue C.C. today.

(B/o.)
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