

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38471 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner questioning the seizure of motor vehicle i.e., Lorry bearing No. TS-12-UA-4721, as illegal, arbitrary and unconstitutional.

I have heard the submissions of the learned counsel for the petitioner, of the learned Assistant Government Pleader representing the 1st respondent and of the learned Assistant Government Pleader for Home representing the 2nd respondent.

Learned counsel for the petitioner first submitted that the vehicle was seized while transporting sand. Further, having placed reliance upon an order, dated 29.12.2016, of this Court in W.P.No.44808 of 2016 and stating that in that writ petition with identical facts this Court gave appropriate directions with regard to the release of the vehicles, sought similar directions in this petition for release of the subject vehicle as per terms of the Government Orders in G.O.Ms.No.15, dated 19.02.2015.

Learned Assistant Government Pleader for Home, on written instructions, would submit that after the seizure of the motor vehicle, a case in Crime No.427 of 2016 was registered by the Station House Officer, Siddipet I Town Police Station, Siddipet District, for the offence punishable under Section 379 I.P.C., and that a charge sheet has already been filed and Calender Case was taken on file by the learned Magistrate and that the seizure of the vehicle is reported to the Court of the learned Magistrate and the vehicle is produced/deposited before Court of the learned Magistrate and, therefore, the petitioner has to approach the Court for release of the vehicle.

However, learned counsel for the petitioner submitted that even if the vehicle is produced before a competent Court, still, as per the terms of the afore-said GO, the 2nd respondent/authority concerned is also empowered to consider the request of the petitioner for release of the seized vehicle in matters of this nature as per policy decision taken by the Government.

Having regard to the submissions and the terms of G.O.Ms.No.15, dated 19.02.2015, the Writ Petition is disposed of with the following directions: 'The petitioner is at liberty to approach either the learned Magistrate before whom the vehicle was said to have been produced and file application as per the procedure established by law and seek release of the vehicle by bringing to the notice of the Court the policy decision taken by the Government and the terms of the G.O.Ms.No.15, dated 19.02.2015, if the petitioner so desires; or, in the alternative he may make a request to the 2nd respondent by filing appropriate application for release of the vehicle; and, if any such application comes to be filed before the 2nd respondent, the 2nd respondent is at liberty to pass appropriate orders as per terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the vehicle, which was said to have been produced before the Court concerned.' It is needless to state that the application, if any, filed by the petitioner before either the Court or the 2nd respondent shall be disposed of on the same day in the interests of justice.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

Date: 17.11.2017

Note: Issue CC by 18.11.2017

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