

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.35537 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners questioning the seizure of the Lorries bearing Nos.AP 37 TE 5555, AP 27 TY 5359, AP 37 TE 1111, AP 07 TH 0610, AP27 TY 5358, AP07TH 0609, AP07 TG 9628, AP37 TE 3333; and AP07 TH 0244 as illegal, arbitrary and unconstitutional.

I have heard the submissions of the learned counsel for the petitioners and of the learned Assistant Government Pleader representing the 2<sup>nd</sup> respondent.

Learned counsel for the petitioners first submitted that the Lorries were 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 vehicles as per terms of the Government Orders in G.O.Ms.No.15, dated 19.02.2015.

Learned Assistant Government Pleader would submit that the above said Lorries are already produced before the learned Magistrate concerned and, therefore, the writ petitioners are required to make appropriate application/ s before the Court of the learned Magistrate for release of the said vehicles.

However, learned counsel for the petitioners submitted that even if the vehicles are produced before a competent Court, still, as per the terms of the afore-said GO, the 2<sup>nd</sup> respondent/ authority concerned is also empowered to consider the request of the petitioners for release of the seized vehicles 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 petitioners are at liberty to approach either the learned Magistrate before whom the lorries were said to have been produced and file application/ s as per the procedure established by law and seek release of the lorries 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 petitioners so desire; or, in the alternative they may make a request to the 2<sup>nd</sup> respondent by filing appropriate application/ s for release of the lorries; and, if any such application/ s come/ s to be filed before the 2<sup>nd</sup> respondent, the 2<sup>nd</sup> 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 vehicles, which were said to have been produced before the Court concerned.' It is needless to state that the application/ s, if any, filed by the petitioners before either the Court or the 2<sup>nd</sup> 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 Murthi, J

02.11.2017

Note: Issue CC by 03.11.2017.

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Dated : 02-11-2017