

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.35088 of 2017

ORDER:

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

“to issue Writ, Order or direction, preferably a Writ in the nature of Mandamus by declaring the action of respondents in seizing the petitioners vehicle, i.e., 1. Tractor bearing No.TS-33-A-0960 & Trailer bearing No.TS-06 UB 2147; 2. AP-22-Q-7173 & Trailer bearing No.AP-22 J 6955 without following any procedure as illegal, arbitrary, high handness and against the principles of natural justice and violative of Article 14, 16, 19(1) (g), 21, 300A and 301 of the Constitution of India and pass such other order or orders may deem fit and proper in the circumstances of the case.

2. I have heard the submissions of *Sri G.Rajeshwar Rao*, learned counsel appearing for the petitioners and the learned Assistant Government Pleader for the respondents. I have perused the material record.

3. Learned counsel for the petitioners states that the vehicles seized are still in the custody of the police authorities and that, therefore, the order of this Court, dated 01.09.2015, passed in W.P.No.27998 of 2015 would apply.

4. The learned Assistant Government Pleader submits that a crime has been registered and that he has yet to receive instructions as to whether the custody of the vehicles is still with the police authorities or that the same have been produced before a competent Court. However, the learned counsel for the petitioners would reiterate that he has been instructed to inform the Court that the vehicles are still in the custody of the police authorities.

5. Accepting the said statement and following the decision of this Court in the afore-stated writ petition, this Writ Petition is disposed of in terms of the said decision with the following directions:

“The petitioners are directed to submit an application for release of the vehicles before the competent authority and the competent authority, within three (03) days from the date of receipt of such application, 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 bond along with an affidavit giving consent to produce the seized vehicles as and when required.”

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

10th November, 2017

JUSTICE M. SEETHARAMA MURTI

Note: Issue CC by 13.11.2017

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