

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37086 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that the Honourable Court may be pleased to issue an order, writ or direction more particularly in the nature of Writ of Mandamus declaring the action of respondents in seizing the Tractors and Trailers bearing No.TS29A 4500, TS29A 4504, AP24R 1575 & AP24R 1576 of the petitioner without following any procedure under statutes as illegal, arbitrary and violative of Article 19, 21 of Constitution of India and consequently direct the respondents to release the Tractors and Trailers bearing No. TS29A 4500, TS29A 4504, AP24R 1575 & AP24R 1576 of the petitioners forthwith and pass such other order or orders...”

(Reproduced verbatim)

I have heard the submissions of the learned counsel appearing for the petitioner, the learned Government Pleader representing the 1st respondent and the learned Government Pleader representing the respondents 2 & 3. I have perused the material record.

At the hearing, learned counsel for the petitioner would submit that the issue involved in the present writ petition is squarely covered by the order, dated 06.11.2017, of this Court in W.P.No.36895 of 2017 and prays for passing an order on the same lines in the present writ petition.

Learned Government Pleader would submit that the petitioners are not the registered owners of the subject vehicles.

In reply, learned counsel for the petitioners would submit that the petitioners would satisfy the competent authority about their eligibility

to seek release of the vehicles and subject to the said condition, the writ petition may be disposed of.

Having regard to the facts and submissions and following the order, dated 06.11.2017, of this Court in W.P.No.36895 of 2017, this Writ Petition is allowed and the competent authority is directed to release and give interim custody of the subject vehicles to the petitioners on the petitioners satisfying the said authority about their eligibility to seek interim custody of the vehicles and on the petitioners furnishing personal bond and third party surety/ sureties to the satisfaction of the competent authority and on further undertaking that they will not alienate or transfer the subject vehicles in any manner and will maintain them in the same good and road worthy condition without changing any of their features and major parts and shall produce them along with the vehicular documents at a specified place or before a specified authority/ Court as and when directed.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

14.11.2017

Note:- Issue CC by 15.11.2017

(B/ o)

Vjl