

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION NO.36673 OF 2017

ORDER:

The petitioner prayed for the following relief.

“...to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declare the seizure of stocks of rice 46 bags 50 Kgs each, 6 bags 25 Kgs each and vehicle Lorry bearing No.AP-21-TZ-5129 pursuant to the FIR Crime No.136/2017 dated 07.09.2017 on the file of the 2nd respondent is illegal, improper or without any power or authority under law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The writ prayer is made on the supposition of seizure and continuation of custody of Lorry bearing No.AP-21-TZ-5129 by the second respondent as illegal and unconstitutional.

The Assistant Government Pleader for Home placed on record written instructions dated 07.11.2017 and the operative portion reads thus:

“Basing on the above Panchanama dated 07.09.2017, the above reference case was registered and investigated the case.

During the course of investigation, the seized PDS rice i.e., 46 Bags of PDS rice weighing about 50 Kgs of each bag and 6 bags weighing about 25 Kgs of each bag handed over the Tahsildar, Panyam.

The seized vehicle i.e. Bolero goods jeep bearing No.AP-21-TZ-5129 produced before the

Hon'ble Court of JFCM, Nandyal for further processes. But the Hon'ble Court directed that to handover the above seized vehicle to the Revenue Officials concerned and submit acknowledge.

Hence, I request you madam, take over the seized vehicle i.e. Bolero goods jeep bearing No.AP-21-TZ-5129 for further proceedings.”

From the above, it is clear that the subject vehicle continues to be with Revenue Department for taking further action. Therefore, the prayer as made cannot be considered. However, liberty is given to the petitioner to approach the Joint Collector for release of vehicle and in such event, this Court has no reason to doubt that the Joint Collector will entertain the application and dispose of the prayer in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(S.V.BHATT, J)

14th November 2017

NOTE: Issue CC by three days
B/O
RRB