

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.43305 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners questioning the action of the respondents in seizing the Tractor & Trailer bearing No.TS07UTR 0305 & AP28TB4480 of the petitioner.

I have heard the submissions of the learned counsel for the petitioner and of the learned Assistant Government Pleader representing the respondents.

Learned counsel for the petitioner first submitted that the vehicles were seized while transporting sand. Further, having placed reliance upon an order, dated 30.10.2017, of this Court in W.P.No.34465 of 2017 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 endorses the said submissions.

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 vehicles were said to have been produced and file application/ s as per the procedure established by law and seek release of the vehicle/ s 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/ s for release of the vehicles; and, if any such application/ s come/ s 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 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 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

20.12.2017
VjI

