

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40885 of 2017

ORDER:

This Writ petition is filed seeking the following relief:

‘...to issue writ, order or direction especially one in the Nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not releasing the petitioner's Tractor & Trailer bearing Nos. TS 05 UB 1793 and TS 05 UB 1792 inspite of the petitioner offering to pay the penalty as contemplated under GO Ms 15 dt.19.02.2015 is illegal, arbitrary and violative of Article 19 (1)(g) of the Constitution of India and consequently direct the 2nd & 3rd respondents to release the petitioner's Tractor & Trailer by collecting penalty as per GO Ms No.15 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. I have heard the submissions of learned counsel for the petitioner and of learned Assistant Government Pleader appearing for the respondents. I have perused material record.

3. Learned counsel appearing for both sides would submit that in matters of identical nature, this Court is releasing vehicles after imposing certain terms.

4. Learned counsel for the petitioner placed on record a copy of the order, dated 06.11.2017, of this Court in W.P.No.37009 of 2017 and requested for release of the subject vehicle on the same lines.

5. The learned Assistant Government Pleader would only submit that a crime has been registered pursuant to the seizure of the vehicle. However, learned counsel for the petitioner submits that the seizure of the vehicle is not reported to the Court.

6. Accepting the said statement and following the decision of this Court in the earlier writ petition, this Writ Petition is disposed of in terms of the said decision with the following directions:

“The petitioner is directed to submit an application for release of the vehicle before the competent authority and the competent authority,

within three (03) days from the date of receipt of such application, examine whether the vehicle is used in committing the offence for the first and second time and if so, consider directing release of the vehicle on payment of the prescribed penalty. If, on the other hand, the vehicle is found to have been used in commission of the offence for three or more times, the officer concerned shall consider directing release of the vehicle after deposit of amount in accordance with Rule-12 of G.O.Ms.No.15 dated 19.02.2015 and also on execution of a bond along with an affidavit giving consent to produce the seized vehicle as and when required.”

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

Date: 05.12.2017

Note:-

Issue CC today
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M. SEETHARAMA MURTI, J