

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44015 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner questioning the seizure of the Lorry bearing No.TS29T 1395, as illegal, arbitrary and unconstitutional.

2. I have heard the submissions of Sri *V.Brahmaiah Chowdary*, learned counsel appearing for the petitioner, and of the learned Assistant Government Pleader for Home appearing for the respondents 1 & 2. I have perused the material record.

3. At the hearing, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for the respondents 1 & 2 are in agreement that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 31.10.2017, in W.P.No.34465 of 2017. A copy of the said order in the above said writ petition is placed on record.

4. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition and the terms of G.O.Ms.No.15, dated 19.02.2015, this Writ Petition is disposed of with the following directions:

The petitioner is at liberty to approach either the learned Magistrate before whom the vehicle was 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 vehicle; 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 vehicle, which was 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.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.



JUSTICE M. SEETHARAMA MURTI

Date: 22nd December, 2017

KL

196

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**WRIT PETITION No.44015 of 2017**Date: 22nd December, 2017

KL