

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41102 of 2017

ORDER:

This writ petition is filed seeking the following relief/s:

‘...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.2 seizing the Petitioner Tractor and Trailer bearing Registration Nos.AP-03-TD-0346 and AP-3-TD-0347 without following any procedure under statutes as illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the 2nd Respondent to release the petitioner Tractor and Trailer bearing Registration Nos.AP-03-TD-0346 and AP-3-TD-0347 and pass such other order or orders ...’

Learned counsel for the petitioner would submit that in matters of identical nature, this Court is disposing of the writ petitions by directing release of vehicles subject to certain conditions and, therefore, this writ petition may also be disposed of on the same lines in the interest of justice. He placed on record, a copy of the order, dated 17.11.2017, of this Court in W.P.No.38774 of 2017.

Learned Assistant Government Pleader representing the 1st respondent and the learned Assistant Government Pleader representing the 2nd respondent would submit that the vehicle is involved in the commission of theft of sand and that after seizure of the vehicle, a crime has been registered and that if the vehicle is found to be involved in a similar offence in future, the petitioner would not be entitled for release of the vehicle.

Learned counsel for the petitioner would submit that in case the seizure of the vehicle is reported to a Court of Magistrate concerned, he may be given the option to approach either the Court concerned or the competent authority.

Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated order, dated 17.11.2017, this Writ petition is disposed of with the following conditions:

“In case, the seizure of the subject tractor and trailer is reported to the Court of the learned Magistrate as per procedure and/or the same are deposited/produced before the Court, the learned Magistrate concerned shall release and give interim custody of the tractor and trailer bearing No. **AP-03-TD-0346 and AP-3-TD-0347** to the petitioner, however, on the petitioner furnishing personal bond and third party sureties to the satisfaction of the learned Magistrate concerned and on further undertaking that he will not alienate or transfer the subject tractor and trailer 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 its vehicular documents at a specified place or before a specified authority as and when directed. However, in case the seizure of the tractor and trailer is not already reported to the Court concerned as per law and the same are not already produced/deposited before the Court of the competent Magistrate, the competent authority shall release and give interim custody of the tractor and trailer to the petitioner however, on the petitioner furnishing personal bond and third party surety/sureties to the satisfaction of the said competent authority and on further giving an undertaking on the same lines as indicated supra. On the petitioner approaching the Court or the competent authority, as the case may be, and making a request, along with a copy of this order, for release of the tractor and trailer, the necessary exercise as indicated supra shall be completed within two days from the date of the request of the petitioner.”

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

07.12.2017

Note:Issue CC by 08.12.2017.

[B/o]

Vjl

