

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.43550 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking verbatim the following the relief:

“...to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the seizure of the petitioner's Tractor bearing No.AP-23-AB-3449 and Trolley no.AP-23-AB-3450 in Crime No.202/ 2017 Dated 11-10-2017 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the 2nd and 3rd respondents to release the petitioner's Tractor bearing No.AP-23-AB-3449 and Trolley no.AP-23-AB-3450 seized in Crime No.202/ 2017 of P.S.Toopran, as per rules 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 the learned counsel appearing for the petitioner and of the learned Government Pleader for Home appearing for the 2nd respondent. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submitted that though the legality of the seizure of the vehicle is challenged in the writ petition, the relief is confined to the release of the vehicle.

4. Further, the learned counsel for the petitioner and learned Government Pleader are in agreement that the facts and issue involved in the present writ petition are squarely covered by the order, dated 30.11.2017, of this Court in W.P.No.40623 of 2017. However, learned Government Pleader would submit that after the seizure of the vehicle, it is entrusted to the Tahasildar (M.R.O), Toopran Mandal/ 3rd respondent.

5. Having regard to the facts & 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 vehicles 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 3rd respondent by filing appropriate application/s for release of the vehicles; and, if any such application/s comes or come to be filed before the 3rd respondent, the 3rd 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 3rd 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.

20.12.2017

Note:- Issue CC by 21.12.2017

(B/o)

Vjl



M.SEETHARAMA MURTI, J