

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.16 of 2008

ORDER:

This Writ Petition is filed seeking following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble court may be pleased to issue an appropriate writ, order or direction more in the nature of writ of mandamus declaring the action of the respondents in seizing the petitioners Tractors & Trailers bearing Nos.AP21 TB 3907, AP 21TB 3901, AP 21TY 7488, AP 21TY 7489, AP02Y 7912, AP 02TY 7911, AP 21TB 4716, AP 21TB 4715, AP 04TT 3430, AP 04TT 3431, AP 21TU 4165, AP 21TU 4166, AP 21AM 5326 and AP 24B 3847 without following any procedure as illegal, arbitrary and violative of Articles 19 and 21 of the Constitution of India and consequently direct the respondents to release the petitioners Tractors & Trailers bearing Nos.AP21 TB 3907, AP 21TB 3901, AP 21TY 7488, AP 21TY 7489, AP02Y 7912, AP 02TY 7911, AP 21TB 4716, AP 21TB 4715, AP 04TT, 3430, AP 04TT 3431, AP 21TU 4165, AP 21TU 4166, AP 21AM 5326 and AP 24B 3847 from the custody of the third respondent in favour of the petitioners, and pass such other order or orders may deem fit and proper in the circumstances of the case.” (reproduced verbatim)

I have heard the learned counsel appearing for the petitioners and learned Government Pleader representing Home. I have perused the material record.

Learned counsel for the petitioners would submit that, in identical matters, this Court is releasing the vehicles and that the income from the subject vehicles is only source of livelihood for the petitioners.

Learned Government Pleader for Home would submit that steps are being taken by respondent No.3 for production of vehicles before the Court of learned Judicial Magistrate of I

Class concerned and, therefore, petitioners have to approach the Court of learned Magistrate after the reporting of the seizure of vehicles to the Court and after production of seized vehicles before the Court concerned as per procedure.

In reply, learned counsel for the petitioners would submit that respondent No.3 may be directed to report seizure of the vehicles to the Court and produce the same before the Court to facilitate the petitioners to approach the Court concerned and seek release of the vehicles by following the procedure established by law.

Recording the submissions, respondent No.3 is directed to report seizure of vehicles and produce the vehicles before the Court concerned, if not already done by following the procedure established by law, within three days from the date of receipt of a copy of this order. Therefore, the petitioners shall file an appropriate application before the learned Judicial Magistrate of I Class concerned for release of the subject vehicles and giving interim custody of the same to the petitioners. The learned Magistrate shall dispose of the said applications of the petitioners, within two (02) days, on the petitioners satisfying the learned Magistrate about their eligibility to seek interim custody of the vehicles and on furnishing personal bonds and third party sureties to the satisfaction of the learned Magistrate, and on further undertaking that they will not alienate or transfer the subject vehicles 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 the vehicular documents at a specified place or before a specified authority/Court as and when directed.

With the above directions, the writ petition stands disposed of.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

M.SEETHARAMA MURTI, J

Dt:04.01.2018
Note:CC two days
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