

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.34072 of 2017

ORDER:

In this writ petition filed under Article 226 of the Constitution of India, the action of the 3rd respondent in keeping the Tractor and Trailer bearing nos. AP 25F 4709 and AP25F 4710 respectively of the petitioner in open space in the office of the 3rd respondent is challenged as illegal, arbitrary, *mala fide* and in violation of the principles of natural justice.

2. Heard learned counsel appearing for the petitioner and the learned Government Pleader for Home (TS) appearing for the respondents.

3. At the hearing, learned counsel appearing for the petitioner while reiterating the material contents in the writ petition would submit that the 3rd respondent has illegally taken away/ seized the aforesaid Tractor and Trailer of the petitioner and kept them in the office premises in an open space since 05.10.2017, and failed to release the same to the petitioner despite the petitioner approaching him with a request to do so; and that, on the other hand, the 3rd respondent threatened the petitioner saying that the petitioner can do whatever he wants. Learned counsel asserted that the Tractor and Trailer are not involved in any offences.

4. Learned Government Pleader for Home, on written instructions, a copy of which is placed on record, would submit as follows: 'The allegations that the 3rd respondent took away/ seized the Tractor & Trailer of the petitioner and kept them in an open space in the premises of the police station are incorrect and baseless. On the requisition of the Tahasildar, Rajampet Mandal, an enquiry was caused about the vehicles at Baswannapally near the house of the petitioner and the Tahasildar secured the panchas and conducted panchanama of the Tractor and Trailer and issued a certificate to the police officer. As per the certificate of the Tahasildar, the Tractor and Trailer were kept in front of

the house of the petitioner. During the course of investigation into the crime, the investigation was conducted in an impartial manner and that it was opined that the seizure of the Tractor and Trailer was quite unnecessary and that therefore, no such steps are taken by the police. The writ petition is filed with false allegations.'

5. In view of the submissions made by the learned Government Pleader that the Tractor and Trailer are not seized or have been taken away by the police officer and that the petitioner, if he is so advised, can take possession of the same, learned counsel appearing for the petitioner submits that the petitioner may be permitted to do so, reserving liberty to pursue remedies, which the law permits.

6. Recording the said submissions, the Writ Petition is disposed of reserving liberty to the petitioner to take possession of his Tractor and Trailer aforementioned, if he so desires. However, liberty is reserved to the petitioner to pursue remedies, which the law permits.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

30.04.2018

Note:- Issue CC in two days
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