

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19788 of 2018

ORDER:

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

'...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.3 in seizing the petitioner's Tractor and Trailer bearing Registration No.TS-04-EA-5399 on the ground of illegal transportation of sand as wholly illegal, arbitrary and unjust and consequently direct the respondents to release the petitioner's Tractor and trailer bearing Registration No.TS-04-EA-5399 forthwith in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper.'

At the hearing, learned counsel for the petitioner and learned Government Pleader for Home appearing for the third respondent are in agreement that the issue, involved in the present Writ Petition, is squarely covered by the order of this Court, dated 17.11.2017, in W.P.No.38774 of 2017. A copy of the said order of this Court is placed on record.

However, learned Government Pleader for Home would submit that, after the seizure of the vehicle, which is involved in the commission of theft of sand, a crime has been registered and the seizure of the vehicle is reported to the Court concerned and

that the vehicle is produced before the Court of the learned Magistrate concerned.

Having regard to the facts and submissions, this Writ Petition is disposed of with the following conditions:

“In case, the seizure of the 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.TS-04-EA-5399 to the petitioner, however, on the petitioner furnishing 2 personal bonds and third party sureties to the satisfaction of the learned Magistrate concerned and on further undertaking that she 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 is 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.

29th June, 2018
Tsy

A.V.SESHA SAI,J

