

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.21748 of 2018

ORDER.

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners questioning the seizure of the Goods Carriages bearing registration Nos.TS-36-T-3618, TS-36-T-2799 and TS-36-T-1899 as illegal, arbitrary and unconstitutional.

I have heard the submissions of the learned counsel for the petitioners and the learned Government Pleader for Mines and Geology (TS) representing respondent No.1.

Learned counsel for the petitioners submitted that the said vehicles were seized while transporting sand. Further, the learned counsel having placed reliance on an order, dated 29.12.2016, of this Court in W.P.No.44808 of 2016 and stating that in the said Writ Petition with identical facts, this Court gave appropriate directions with regard to the release of the seized vehicles, sought similar directions in this Writ Petition for release of the subject vehicles as per the terms of G.O.Ms.No.15, dated 19.02.2015.

Learned Government Pleader for Mines and Geology would submit that the above said vehicles are already produced before the learned Magistrate concerned and, therefore, the writ

petitioners are required to make appropriate application/s before the Court of the learned Magistrate for release of the said vehicles.

However, learned counsel for the petitioners submitted that even if the vehicles are produced before a competent Court, still, as per the terms of the afore-said G.O, the second respondent/authority concerned is also empowered to consider the request of the petitioners for release of the seized vehicles in the matters of this nature as per the policy decision taken by the Government.

Having regard to the above submissions and the terms of G.O.Ms.No.15, dated 19.02.2015, the Writ Petition is disposed of with the following directions:

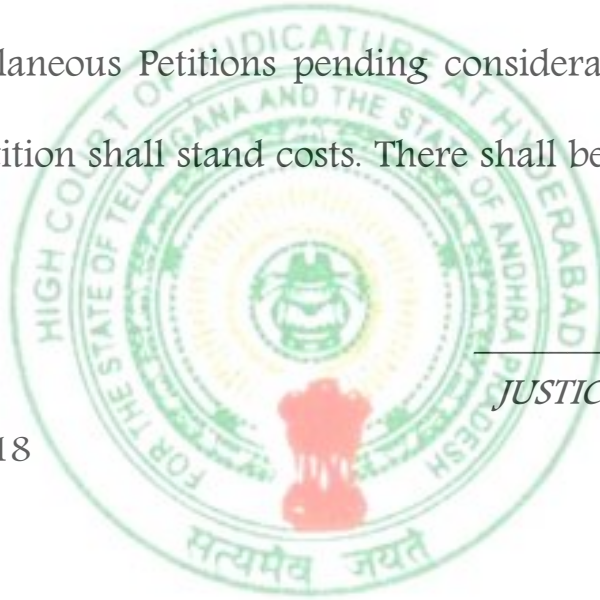
The petitioners are at liberty to approach either the learned Magistrate before whom the vehicles were said to have been produced and file application/s as per the procedure established by law and seek release of the vehicle/s by bringing to the notice of the Court the policy decision taken by the Government and the terms of the G.O.Ms.No.15, dated 19.02.2015, if the petitioners so desire; or, in the alternative they may make a request to the second respondent by filing appropriate application/s for release of the said vehicles; and, if any such application/s come/s to be filed before the second respondent,

the second respondent is at liberty to pass appropriate orders as per the terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the said 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 petitioners before either the Court or the second respondent shall be disposed of on the same day in the interest of justice.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand costs. There shall be no order as to costs.

27th June, 2018

DR



JUSTICE A.V.SESHA SAI