

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

WRIT PETITION No.24145 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed, questioning the seizure of the lorries, bearing Nos.AP 24 Y 9799, AP 20 TC 0234 and AP 16 TC 2324, as illegal, arbitrary and unconstitutional.

Heard the submissions of the learned counsel for the petitioners and of the learned Assistant Government Pleader, representing the 2nd respondent.

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

Learned Assistant Government Pleader would submit that the above said lorries were already produced before the learned Magistrate concerned and, therefore, the writ petitioners are required to make appropriate application 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 GO, the 2nd respondent/authority concerned is also empowered to consider the request of the petitioners for release of the seized vehicles in matter of this nature as per policy decision taken by the Government.

Having regard to the 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 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 petitioners so desire; or, in the alternative they may make a request to the 2nd respondent by filing appropriate application for release of the vehicles; and, if any such application comes to be filed before the 2nd respondent, the 2nd 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, if any, filed by the petitioners before either the Court or the

2nd respondent shall be disposed of on the same day in the interest of justice. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

13th July, 2018
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A.V.SESHA SAI, J

