

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition no.41204 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking a writ of Mandamus declaring the action of the respondents in seizing the vehicles bearing No.AP31 TH 6219, AP31 CG 7036 and AP 30 AG 8134 of the petitioners without following the procedure established by law as illegal, arbitrary and violative of Articles 19 & 21 of the Constitution of India. A consequential direction to the respondents to release the afore-said vehicles to the petitioners is also sought in the writ petition.

I have heard the submissions of the learned counsel for the petitioners, of learned Government Pleader for Mines and Geology appearing for the respondents 1 to 3, and of the learned Government Pleader for Home appearing for the 4th respondent. I have perused the material record.

The case of the petitioners is this: 'They are the owners of the subject vehicles. The second respondent seized the said vehicles, on 11.11.2018, stating that the petitioners are transporting sand on those vehicles without permits. Hence, the present writ petition is filed.'

Learned counsel for the petitioners seeks interim custody of the vehicles.

Learned Government Pleader appearing for the respondents 1 to 3 submits that after the seizure of the vehicle, a complaint has been

lodged with the 4th respondent-Station House Officer, Srikakulam Rural Police Station.

Learned Government Pleader for Home appearing for the 4th respondent submits that no complaint has been received by the 4th respondent and that therefore, no crime has been registered; but, states that the vehicle is in the safe custody of the police.

Learned counsel for the petitioners submits that in similar matters with identical facts, this Court is giving interim custody of vehicles. He placed on record copies of various orders in similar cases, including a copy of the order, dated 05.11.2018, passed in WP.No.39289 of 2018.

The said submission is endorsed by the learned Government Pleaders appearing for the respondents.

Having regard to the facts & submissions and keeping in view the earlier orders passed in similar matters, there shall be a direction to the respondents 3 & 4 to give interim custody of the vehicles bearing No.AP31 TH 6219, AP31 CG 7036 and AP 30 AG 8134 to the petitioners subject to the petitioners producing relevant documents related to the ownership of the vehicles and on the petitioners furnishing bank guarantees/securities to a tune of Rs.1,00,000/- [Rupees One Lakh only] for each vehicle to the satisfaction of the competent authority and on further furnishing an undertaking that they will maintain the vehicles in the same good condition without changing their features & parts and that they will not alienate or transfer the vehicles and produce them, as

and when directed, before the competent authority or the Court concerned. This order giving interim custody of the vehicles shall hold good till the conclusion of the proceedings/prosecution, if any launched.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

20.11.2018

Note: Issue CC in two days

[B/o]

Vjl

