

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition no.41579 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 2nd respondent in not releasing the petitioners Tractors and Trailers viz., vehicles bearing Reg.nos. TS-02-ER-8863 & TS-02-ER-8799; TS-02-AATR-8415 & TS-05-ACTR-8700; TS-02-UC-1597 & TS-02-UC 1598; TS-02-UC-1947 & TS-02-UC 1948; and TS-02-UC-1600 & TS-02-UC-1601, as illegal and arbitrary and to consequently direct the 2nd respondent to release the above said vehicles.

At the hearing, learned counsel for the petitioners and learned Government Pleader for Home, appearing for the 2nd respondent, stated that in matters of similar nature, this Court is passing orders releasing the vehicles subject to conditions. A copy of one such order, dated 06.07.2018, in WP.No.23156 of 2018 is placed on record.

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(s) 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 request the 2nd respondent by filing appropriate application(s) for release of the vehicles; and, if any such application(s) come(s) 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(s), if any, filed by the petitioners before either the Court or the 2nd respondent shall be disposed of on the same day in the interests of justice.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

22.11.2018
Vjl



M. SEETHARAMA MURTI, J