

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition no.42282 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents 2 & 3 in not releasing the petitioner's goods carriages (lorries) bearing registration nos.TS 08 UA 5656 & TS 08 UA 5595 in spite of the petitioner offering to pay the penalty as contemplated under G.O.Ms.no.15, dated 19.02.2015, as illegal, arbitrary and violative of Article 19(1) (g) of the Constitution of India. A consequential direction to the said respondents to release the said vehicles to the petitioner by collecting penalty as per the terms of the said GO is also sought in the writ petition.

At the hearing, learned counsel for the petitioner 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.

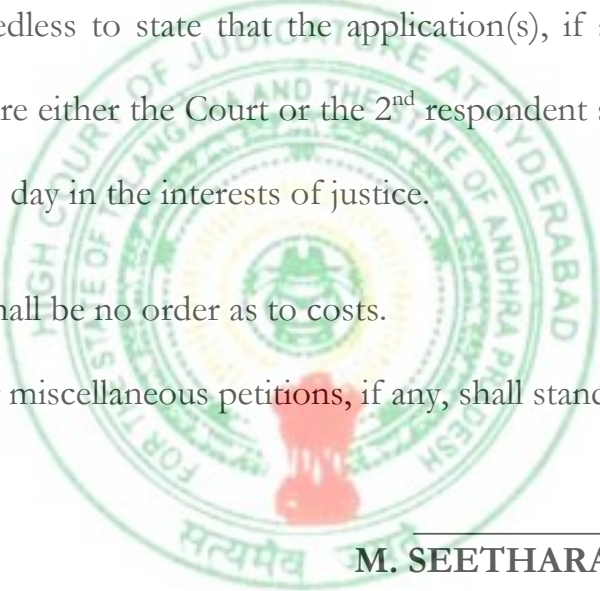
Having regard to the submissions and the terms of G.O.Ms.No.15, dated 19.02.2015, the Writ Petition is disposed of with the following directions: "The petitioner is at liberty to approach either the learned Magistrate before whom the vehicles were said to have been produced and file application(s) as 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 petitioner so desires; or, in the alternative he may make a request to 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 petitioner 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.



M. SEETHARAMA MURTI, J

22.11.2018

Note: Issue CC by 26.11.2018.

[B/o]

Vjl