

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.45108 of 2018

ORDER

This writ petition is filed seeking a writ of mandamus to declare the action of respondents 2 and 4 in seizing the Tractor and Trailer bearing Nos.AP 07 TF 9893 and AP 07 TF 9894 of the petitioner without following due procedure of law, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Government Pleader for Mines and Geology for respondents 1 to 3 and learned Government Pleader for Home for respondent No.4.

3. The material on record would show that on 16.09.2018, the aforesaid vehicle was seized alleging that the petitioner was transporting sand illegally for commercial purpose. In the remand report dated 16.09.2018, it was stated that the seized vehicles and proclainer were handed over to the custody of the I Additional Junior Civil Judge, Sattenapalli.

4. Learned counsel for the petitioner submits that though the petitioner filed un-numbered CrI.M.P.No. of 2018 in Cr.No.242 of 2018 of Atchampet Police Station, before the I Additional Junior Civil Judge, Sattenapalli, for release of the vehicle, the same was returned on 24.11.2018 with an endorsement that 'explain how this Court has jurisdiction to entertain this petition'. He further submits that on enquiry, the petitioner came to know that the seized vehicles

and proclainer were not handed over to the custody of the I Additional Junior Civil Judge, Sattenapalli.

5. Having regard to the facts of the present case, inasmuch as the remand report discloses that the seized vehicles and proclainer were handed over to the custody of the I Additional Junior Civil Judge, Sattenapalli, and in view of the aforesaid submission of the learned counsel for the petitioner, the 4th respondent shall ensure to handover the seized vehicle of the petitioner to the custody of the I Additional Junior Civil Judge, Sattenapalli, forthwith, if not handed over as on today, and the petitioner is at liberty to make an application before the competent Court for release of the vehicle in accordance with law, and on receipt of the same, the concerned Magistrate shall deal with the same on the very same day, in accordance with law.

6. With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

12th December, 2018

Note:
Issue CC in two days.

sj