

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9815 of 2019

ORDER:

This writ petition is filed for the following relief:

“....to issue writ, order or direction especially one in the nature of Writ of Mandamus declaring the action of respondent No. 2 and 3 in not releasing the petitioner's Goods carriage bearing No TS 05 UC 2164 in spite of the petitioner offering to pay the penalty as contemplated under G.O.Ms.No. 15 dt 19.02.2015 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the 2nd and 3rd respondent to release the petitioner's Goods Carriage by collecting penalty as per GO Ms No 15

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the order, dated 20.09.2018, passed by this Court in Writ Petition No.34062 of 2018.

Relevant portion of the aforesaid order reads as under:

“Therefore, for reasons alike, this writ petition is also disposed of with the following directions: “The petitioner is at liberty to approach, either, the learned Magistrate before whom the vehicle was said to have been produced and file application as per the procedure established by law and seek release of the vehicle 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 for release of the vehicle; and, if any such application is 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 vehicle, which was said to have been produced before the Court concerned. It is needless to state that the application, 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.”

Following the aforesaid order and for the reasons stated therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:01.05.2019

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