

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17251 of 2019

ORDER:

This writ petition is filed praying to direct the respondents to release the Goods Carriage MMV bearing No.AP10 UA 2415. Petitioner alleges that the subject vehicle was seized by the second respondent - Station House Officer, Chinnakodur Police Station, Siddipet District, on the allegation of illegal transportation of sand.

Learned counsel for petitioner submits that on 09.08.2019, a representation was made by the petitioner requesting the second respondent to release the subject vehicle agreeing to pay the compounding fee as mandated by the Government. It appears, no orders are passed as on today. However, there is no proof of filing such representation before the second respondent.

Since there is no proof of filing of representation, it cannot be said that respondents are not attending to grievance of petitioner. Therefore, writ petition is disposed of with the following directions:

Petitioner is at liberty to approach either the learned jurisdictional Magistrate before whom the vehicle may 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 G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated 19.02.2015, if the petitioner so desires; or in the alternative, he may make a request to the second respondent by filing appropriate application for release of subject vehicle, if not already filed and not received by the second respondent; and if any such application is filed before the second respondent, the second 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 subject vehicle, if same was 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 second respondent, shall be disposed of within three days from the date of filing in the interest of justice.

Pending miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J

14th AUGUST, 2019.

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