

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.25814 of 2019

ORDER: (*per Hon'ble Sri Justice A.Rajasheker Reddy*)

This Writ Petition is filed assailing the action of the 3rd respondent in illegally detaining the petitioner's vehicle bearing No.AP 22W 3570 without assigning any reason, as illegal and arbitrary and for consequential directions.

Heard Sri Pale Sriharinath, learned counsel for the petitioner and Smt. Padmaja Reddy, learned Standing Counsel appearing for respondents 2 & 3.

Learned counsel for the petitioner submits that the petitioner is the owner of Water Tanker bearing No.AP 22W 3570 and he is using the same for supply of drinking water to the needy customers. While transporting drinking water in the said vehicle, the 3rd respondent stopped the same and forcibly diverted it to his office on the ground that the driver of the subject vehicle was carrying polluted water in the said tanker. Though the petitioner filed representation on 21.10.2019 disputing the aforesaid allegation, no action has been taken, for release of the vehicle.

Smt. Padmaja Reddy, learned Standing Counsel while relying on the proceedings in Lr.No.115/PCB/RCP/2019-583, dated 04.12.2019 submits that the officials of the Pollution Control Board caught the subject vehicle on 13.05.2017 while it carrying effluents and illegally discharging in the open area located behind M/s.Vijaya Iron Foundries, IDA Bollaram. She

submits that when the officials enquired with the driver of the subject vehicle, he informed that the effluents were brought from M/s.SOM Phyto Pharma (India) Ltd., located at Plot No.154/A5, Sy.No.172 (U), SVCIE, IDA, Bollaram, Jinnaram Mandal, Sangareddy District and that the said vehicle along with the effluent was handed over to the Common Effluent Treatment Plant i.e., M/s.JETL, for safe custody.

In this case, it is to be seen that there is no dispute with regard to seizure of the subject vehicle. A perusal of the proceedings dated 04.12.2019 addressed by the 3rd respondent to the 2nd respondent goes to show that except stating that the subject vehicle is liable for confiscation, nothing is stated about the proceedings initiated for confiscation of the vehicle. The respondents have also admits that the petitioner made representation on 21.10.2019. Learned Standing Counsel submits that the petitioner also not approached the authorities immediately after seizure of the vehicle on 13.05.2017, but made representation only on 21.10.2019, after lapse of more than 2 years.

In view of above facts and circumstances, the competent authority is directed to consider the representation of the petitioner dated 21.10.2019 for release of the subject vehicle, and pass appropriate orders, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. However, consideration of the application for release of the vehicle will be subject to the confiscation proceedings, if any, initiated by the respondent authorities.

With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs. As a sequel thereto,
miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

P.NAVEEN RAO, J

13-12-2019

Note: Issue CC on 16.12.2019

B/o. kvs



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
And
HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25814 of 2019



Date 13.12.2019.

kvs

