

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27487 of 2019

ORDER:

This Writ Petition is filed praying to direct the respondents to release the petitioner's vehicle i.e., Tractor & Trailer bearing No.TS 05UD 4104 and TS 05UC 9075. Petitioner alleges that his vehicle was seized by the 2nd respondent on the allegation of illegal transportation of sand.

2. Learned counsel for petitioner submits that on 06.12.2019 a representation was made by the petitioner requesting the Station House Officer, Kanagal Police Station, to release the vehicle. It appears, no orders are passed as on today. However, there is no proof of filing such representation before the said Station House Officer.

3. Since there is no proof of filing of representation, it cannot be said that respondents are acting illegally in not attending to the 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 i.e., Tractor & Trailer bearing No.TS 05UD 4104 and TS 05UC 9075 may have been produced and file an 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, after examining the competence and jurisdiction to release the vehicle, if it was produced before the Court concerned; or in the alternative he may make a request to the 2nd respondent by filing appropriate application for release of vehicle, if not already filed and not received by the 2nd respondent; and if any such application is filed before the 2nd respondent, the 2nd respondent is at liberty to pass appropriate orders as per the terms of G.O.Ms.No.15, dated 19.02.2015. 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 within three days from the date of filing in the interest of justice. No order as to costs.

4. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P. NAVEEN RAO

11.12.2019.
Msr

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Msr