

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.1321 of 2020

ORDER:

This Writ Petition is filed praying to direct the respondents to release the Tractor and Trailer, bearing Nos.AP 15 TC 4660 and AP 15 TC 4661. Petitioner alleges that the Tractor and Trailer were seized by the 2nd respondent, on the allegation of illegal transportation of sand.

2. Learned counsel for petitioner submits that, on 18.01.2020, representation was made by the petitioner requesting the Station House Officer, Thangallapally Police Station, Rajanna Sircilla District, to release the Tractor and Trailer, 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 Station House Officer.

3. Since there is no proof of filing of representation, it cannot be said that respondents acting illegally in not attending to grievance of petitioner. Therefore, Writ Petition is disposed of with the following directions:

4. Petitioner is at liberty to approach either the learned jurisdictional Magistrate before whom the subject vehicle may have been produced and file application as per the procedure established by law and seek release of the Tractor and Trailer 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, 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 2nd respondent by filing appropriate application for release of the Tractor

and Trailer, 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 terms of G.O.Ms.No.15, dated 19.02.2015, after examining the competence and jurisdiction to release the Tractor and Trailer, if the same were 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 within three days from the date of its filing, in the interest of justice.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:23.01.2020

GJ

JUSTICE T.VINOD KUMAR

