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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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WRIT PETITION No.16574 OF 2016

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ORDER:

This writ petition is filed for a Mandamus to declare the action of the 2nd respondent in seizing the petitioners' Tractors and Trailors bearing Nos.AP 24 TB 7204 & AP 24 TB 7268, TS 05 UA 0760 & TS 05 UA 0761, TS 05 EA 0330 & TS 05 EA 0331 and TS 05 UA 4173 & AP 24 AT 7269 ('vehicles' for brevity) as illegal and arbitrary. In the writ petition, the petitioners sought consequential direction to the respondents to release the seized vehicles.

The case of the writ petitioners is that on 17.05.2016, when the said vehicles are proceeding with a load of sand, the same were stopped and seized by the officials of the 2nd respondent on the allegation that the vehicles are being used for illegal transportation of sand and that they had made an application on 17.05.2016 to the 2nd respondent, who is the competent authority, for release of the said vehicles.

The grievance of the petitioners is that no action has been taken by the 2nd respondent on the said application so far.

At the hearing, it is submitted by the learned counsel for both the parties that as per G.O.Ms.No.3, Industries & Commerce (Mines-I) Department, dated 08.01.2015, as amended by G.O.Ms.No.15, Industries & Commerce (Mines-I) Department, dated 19.02.2015, the 2nd respondent, who is stated to have seized the vehicles, is competent to release the said vehicles.

In view of the facts and submissions, it is appropriate that

the 2nd respondent considers the release of the seized vehicles, since the petitioners have already submitted an application to the 2nd respondent and as they are prepared to pay the penalty payable.

In view of the same, the writ petition is disposed of with a direction to the 2nd respondent/respondent concerned to release the aforementioned vehicles to the petitioners as per the aforementioned G.Os. within a period of three (3) days from the date of receipt of a copy of this order, subject to the petitioners producing the official receipt/s showing payment of penalty amount/s along with vehicular documents.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 26.05.2016
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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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WRIT PETITION No.16574 OF 2016
DATE:26.05.2016

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