

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.8090 of 2019

ORDER:

With the consent of the learned counsel for the petitioner and the Assistant Government Pleader for Mines and Geology, this Writ Petition is being disposed of at the stage of admission.

This Writ Petition is filed to “declare the action of the respondents in seizing the vehicles-Tractor and Trailer bearing Nos.AP 35U 8382 and AP 31TH 3287 respectively of the petitioner without following any procedure, as arbitrary and illegal”.

Today, when the matter is taken up for admission, it is stated by the learned counsel for the petitioner that the issue in this Writ Petition is squarely covered by the order of this Court, dated 23.03.2018, in W.P.No.9700 of 2018. Learned Assistant Government Pleader for Mines and Geology does not dispute the same.

Therefore, for the reasons alike, this Writ Petition is also allowed, in case, the seizure of the Tractor and Trailer is reported to the Court of the learned Magistrate as per procedure and/or the same are deposited/produced before the Court, the learned Magistrate concerned shall release and give interim custody of the Tractor and Trailer bearing Nos.AP 35U 8382 and AP 31TH 3287 respectively to the petitioner, however, on the petitioner furnishing personal bonds and third party sureties to the satisfaction of the learned Magistrate concerned and on further undertaking that he will not alienate or transfer the subject Tractor and Trailer in any manner and will maintain them in the same good and road worthy

condition without changing any of their features and major parts and shall produce them along with its features and major parts and shall produce them along with its vehicular documents at a specified place or before a specified authority as and when directed. However, in case the seizure of the Tractor and Trailer is not already reported to the Court concerned as per law and the same are not already produced/deposited before the Court of the competent Magistrate, the competent authority shall release and give interim custody of the Tractor and Trailer to the petitioner, however, on the petitioner furnishing personal bonds and third party sureties to the satisfaction of the said competent authority and on further giving an undertaking on the same lines as indicated supra. On the petitioner approaching the Court or the competent authority, as the case may be, and making a request, along with a copy of this order, for release of the Tractor and Trailer, necessary exercise as indicated supra shall be completed within two days from the date of request of the petitioner. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

A.V.SESHA SAI,J

28th June, 2019.

Note:

*Furnish C.C. of the order
by 01.07.2019.*

*B/o
Tsy*