

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.24379 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in highhandedly seizing the TATA Heavy goods (Lorry) vehicle bearing No.KA 53B 8114 of the petitioner herein as illegal, arbitrary and contrary to the contentions/allegations made made in FIR No.37 of 2015 dated 18-05-2015 of Gajulamandyam Police Station, Tirupati (U) Police Dist, Chittoor District A.P. and consequently direct the respondents herein to release and hand over the aforesaid vehicle to him and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

2. When the matter is called today, written instructions dated 17.08.2015 furnished by the Sub-Divisional Police Officer, Renigunta, have been placed on record by the learned Government Pleader for Home. To the extent of relevancy, the said instructions read as under:

“On 17-08-2015 I.O. sent a requisition along with form-60 and seized crime vehicle lorry No.KA-53-B-8114, to the Honourable Vth J.F.C.M, Tirupati for custody vide CF No.7157 on the file of Vth JFCM, court, Tirupati.

It is to further submit that it is not true as alleged by the petitioner that on 21-5-2015 the respondents 2, and 3 highhandedly seized the lorry of the petitioner bearing Reg.No.KA-53-B-8114 illegally by threatening its driver and further kept the seized vehicle at Gajulamandyam Police Station without producing it before the concerned court as the seizure was un-authorized.

It is also not true to suggest that the crime vehicle involved in the 1st reference case is mentioned as Eicher but the Police illegally seized his TATA lorry. The seized TATA lorry bearing Reg.No.KA-53-B-8114 is brown color looking similar to the Eicher vehicle.

On 23-05-2015 and on 29-06-2015 the owner of the crime vehicle by name P.Chandrasekhar approached I.O, for release of his seized vehicle. The I.O. explained him the grounds for seizure of his vehicle and also advised him to approach the Jurisdiction court for getting release orders of vehicle.”

3. In view of the above instructions, writ petition is disposed of, permitting the petitioner herein to make necessary application before the concerned Magistrate for release of vehicle.
4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

19th August, 2015
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