

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.19296 OF 2016
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ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Home. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of the writ of *mandamus* declaring the action of the 3rd respondent in not releasing the petitioner's vehicle bearing No.AP 12 V 7508 as illegal and arbitrary and consequently, to direct the 3rd respondent to release the vehicle.

3. The petitioner, who is owner of the Goods Vehicle bearing No.AP 12 V 7508 filed the present writ petition seeking release of the vehicle, which was seized by the Charminar Traffic Police when the driver of the said vehicle was found driving the vehicle in drunken condition. The only ground on which the vehicle is detained by the police is that the petitioner-owner of the vehicle failed to produce the driver before the authorities.

4. It is the case of the petitioner that he is making every effort to trace the driver of the vehicle, who left after he was being released by the 3rd respondent-police on the night of 01.04.2016 asking him to come on the next day. He undertakes to produce the driver of the vehicle as and when he is traced. It is the case of the petitioner that keeping the vehicle idle in the police station on the ground that driver of the vehicle is not traced may not be correct as there is likelihood of the vehicle getting damaged. He

also placed on record his representation dated 21.04.2016 for release of the said vehicle.

5. Learned Government Pleader for Home, on instructions, submits that if the petitioner approaches the authorities with all the relevant documents, they will definitely consider the request.

6. Since there is no dispute with regard to ownership of the vehicle and having regard to the facts in issue, the Writ Petition is disposed of directing the 3rd respondent to release the Goods Vehicle bearing No.AP 12 V 7508 in favour of the petitioner on his executing a bond for Rs.3,00,000/- (Rupees Three Lakhs only) to the satisfaction of respondent No.3. Further the petitioner shall give an undertaking to produce the vehicle as and when required by the authorities concerned and also give an undertaking not to alienate, encumber or alter the physical features of the Goods Vehicle bearing No.AP 12 V 7508 till the completion of proceedings initiated if any or otherwise for a period of six months. This order shall not preclude the authorities in proceeding further in accordance with law. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:23.06.2016

Note: Furnish C.C. by tomorrow.

(B/O)

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