

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39691 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in detaining the petitioner's buses bearing Nos.AP 15TA 5816 & AP 28W 5151 and not releasing the said buses in favour of the petitioner, as illegal and arbitrary and consequently, direct him to release the said vehicles to the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that one Korakandla Shyamsunder Reddy, *de facto* complainant, lodged the present complaint against the petitioner and others alleging that A-1 to A-3 (the petitioner is A-2) had run the school in the name of "Montessori" and collected fees from the parents including the *de facto* complainant and gained wrongfully and did not pay the salaries to the teachers for Rs.3,00,000/-, cheated them and caused wrongful loss and fled away with the transfer certificates, bonafide certificates and books of students by closing the school. The main grievance of the petitioner is that after registration of crime, the 2nd respondent, without following any procedure of law, detained the buses of the petitioner and put in the police station premises.

Learned counsel for the petitioner submitted that from the date of seizure, the vehicles are under the control of 2nd respondent, and the 2nd respondent is not producing the same before the Court concerned, and in case the vehicles are kept idle, it would get damaged and the petitioner is ready to furnish sufficient surety.

Considering the facts and circumstances of the case, the petitioner is directed to approach the Court concerned, where the FIR is pending, and file an application for return of the vehicles. On such application

being filed, the Court concerned shall consider the same and pass appropriate orders, in accordance with law.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO,J

Date: 1st December, 2016

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