

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.46480 of 2016

Date: 02.01.2017

Between:

Samala Hariprasad s/o. Chandraiah,
Aged about 40 years, R/o H.NO.989,
Shanthinagar Colony, Amangal Village
And Mandal, Mahaboobnagar district
(presently Ranga Reddy District) and
another.

.....Petitioners

and

The State of Telangana, rep.by its
Secretary, Home Department, Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners are aggrieved by the seizure of the vehicle Maruti Suzuki Alto bearing registration No.AP-11-AU-5650 and jaggery on 22.11.2016. This writ petition is filed alleging that their vehicle was illegally seized and respondents are taking coercive action against them in the form of conducting auction of the said vehicle. Learned counsel submits that vehicle could not have been seized and exposed to open air, causing damage to the vehicle and prays for release of the vehicle.

2. In the matters concerning seizure of the vehicle, an aggrieved person must first approach the jurisdictional Deputy Commissioner requesting for release of the vehicle by way of interim custody and if the Commissioner does not release the vehicle or delays in taking a decision, an aggrieved person can invoke jurisdiction of this Court under Article 226 of the Constitution of India.

3. Having regard to the above, petitioners are granted liberty to file an application before the Deputy Commissioner, Amangal, Mahaboobnagar District (2nd respondent) for interim custody of the vehicle. As and when such application is filed, the 2nd respondent shall pass appropriate orders as expeditiously as possible, preferably within a period of two weeks. It is open to the 2nd respondent to prescribe such conditions with reference to the production of vehicle. Until a decision is made on the application

filed by the petitioners, if such application is filed within one week from the date of receipt of copy of this order, the respondents shall not sell the vehicle to third parties.

4. Writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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