

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.474 of 2017

ORDER:

The petitioner filed this Writ Petition by invoking the provisions under Article 226 of the Constitution of India, seeking to declare seizure of the petitioner's vehicle i.e. lorry bearing No.AP 37 W 0699, as illegal and arbitrary, and consequently, direct the respondents 2 & 3 to release the petitioner's vehicle.

Heard and perused the material available on record.

Petitioner's vehicle i.e. Lorry bearing No.AP 37 W 0699 was seized by the officials of the 3rd respondent on the ground that it was used in transporting PDS rice, and handed it over to the 2nd respondent, and registered a case.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner made a representation to the 3rd respondent on 01.12. 2016 with a request to release the vehicle by collecting penalty, but the 2nd respondent is not considering the same.

Learned Government Pleader for Home objects for the same, since the vehicle is involved in a crime.

Considering these circumstances, the 3rd respondent is directed to release the vehicle i.e. lorry bearing No.AP 37 W 0699, for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for Rs.4,00,000/- (Rupees four lakhs only) with one surety for the like sum, and also on

production of original R.C. book. It is further directed that the petitioner shall not alienate and shall not change the physical features of the vehicle till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the authorities.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

January 04, 2017.

KTL

