

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36615 of 2017

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, is filed complaining the inaction of the respondents in not releasing the vehicle Mega Max Auto with Registration No.AP 5 TB 8619 seized on 04.10.2017 in P.R.No.340/2017-18, on the file of the Prohibition and Excise Station, Bhadrachalam, Bhadradri Kothagudem District.

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Assistant Government Pleader for Excise appearing for the respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner and the learned Assistant Government Pleader for Excise appearing for respondents 1 to 3 would submit that in matters of identical nature, this Court is releasing vehicles. An order of this Court in W.P.M.P.No.41944 of 2017 in W.P.No.33700 of 2017 is placed on record.

4. Having regard to the submissions and following the earlier orders of this Court, this Writ Petition is disposed of with a direction to the 2nd respondent to release the vehicle Mega Max Auto with Registration No.AP 5 TB 8619, subject to the petitioner paying an amount of Rs.40,000/- (Rupees forty thousand only) by means of a Fixed Deposit Receipt from a nationalized Bank drawn in favour of the 2nd respondent and giving an undertaking that he will not alienate or create third party rights over the said vehicle and maintain it in the same good road worthy condition without changing any of its major

parts and features and further undertaking to produce the vehicle as and when required and directed before any authority concerned.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 2nd November, 2017

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