

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.42679 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“..to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not releasing the petitioner's Scooty Moped bearing Reg. No. AP-16-CQ-9394 seized in Cr.No.291/2017 on the file of the 3rd respondent inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the 2nd respondent to issue orders to release the above said vehicle, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

At the hearing, learned counsel for the petitioner would submit that in view of the similarity of the facts, this writ petition may be disposed of in terms of the interim order, dated 07.11.2017, in W.P.M.P.No.46275 of 2017 in W.P.No.37246 of 2017. A copy of the interim order in the said Miscellaneous Petition and the copies of the bills are filed along with the material papers.

Learned Government Pleader appearing for the respondents endorses the said submission.

Accordingly, there shall be a direction to the second respondent to release the petitioner's vehicle viz., Scooty Moped bearing Registration No.AP-16-CQ-9394, subject to condition of the petitioner depositing Rs.10,000/- (Rupees ten thousand only) in favour of the second respondent by way of a Fixed Deposit from any Nationalised Bank. It is made clear that the FDR aforesaid shall be subject to the final orders in the proceedings initiated in Crime No.291 of 2017 on the file of the Nuzividu Prohibition and Excise Station, Vijayawada.

The writ petition is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 20.12.2017
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