

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42869 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ or order more particularly one in the nature of Writ of Mandamus declaring the action of the 5th Respondent in keeping petitioner's Tractor & Trailer bearing No.AP.04 TU 3467/3466 in the office premises which is illegal, unjust, Contrary to Rules, violation of principles of natural justice and violation of Articles 14, 16 and 19 (1)(g) of the Constitution of India and consequently direct the Respondents 2 to 5 to release the petitioner's Tractor and Trailer bearing No.AP.04 TU 3467/3466 respectively forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. At the hearing, learned counsel for the petitioner would submit that in matters of identical nature, this Court is releasing vehicles by passing appropriate orders. Submitting accordingly, he prayed for releasing the subject vehicle in terms of the orders of this Court, dated 16.11.2017, in W.P.No.38246 of 2017.

3. Learned Government Pleader endorses the submission that the issue involved in the present writ petition is squarely covered by the orders of this Court in the afore-stated writ petition.

4. Accordingly, the writ petition is disposed of directing respondents 2 to 5 to release the vehicle i.e., Tractor and Trailer bearing No. AP 04 TU 3467/3466 and give interim custody of the same to the petitioner through the police concerned on condition of the petitioner furnishing a personal bond or third party surety for a sum of Rs.1,00,000/- (Rupees one lakh only) in respect of subject vehicle to the satisfaction of the second respondent or the third respondent as the case may be. The

petitioner shall furnish an undertaking before the second respondent or the third respondent as the case may be that he will not alienate the vehicle or create any third party interest over it and will not alter its nature and that he would maintain the vehicle in the same good road worthy condition without altering its major parts or features and that he will produce the vehicle before the competent authority as and when directed or required till the proceedings for imposing penalty, if any, stand concluded.

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

JUSTICE M. SEETHARAMA MURTI

Date: 18.12.2017
Note: Issue CC in two days
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