

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43255 OF 2017

ORDER:

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

“...to issue a 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 Maxi Mahendra Mini Truck vehicle bearing registration No.TS-05-UA-9326 seized in COR.No.291/2017 on the file of Proh. & Excise Police Station, Huzurnagar, Nalgonda District inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, arbitrary, improper, unjust, violation of principles of natural justice and consequently direct the 2nd respondent to release the Maxi Mahendra Mini Truck vehicle bearing registration No.TS-05-UA-9326 forthwith to the petitioner and pass such order or orders...”

2. Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 to 3.

3. At the hearing, it was brought to the notice of this Court that in a case with identical facts, this Court disposed of W.P.No.25752 of 2017 by order, dated 02.08.2017, by following an earlier order, dated 05.06.2017, in W.P.No.17582 of 2017 and a request was made to dispose of this Writ Petition in terms of the orders afore-stated.

4. Following the afore-stated orders and for the reasons alike as were mentioned in the orders afore-stated passed in afore-stated Writ Petitions, this Writ Petition is also disposed of directing

respondent No.2 to release the vehicle-Maxi Mahendra Mini Truck bearing Reg.No.TS-05-UA-9326 to the petitioner for interim custody subject to the final orders to be passed in the criminal proceedings and on petitioner furnishing a Fixed Deposit Receipt for Rs.75,000/- (Rupees Seventy Five Thousands only) from any nationalized bank in favour of respondent No.2 and also on production of original R.C. Book and on petitioner further giving an undertaking that he will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicle in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed before any Court or competent authority.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

20.12.2017

Note: Issue CC by 21.12.2017.

[b/o]

Vjl