

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39981 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 hereby prayed that this Hon’ble Court may be pleased to issue a Writ, Order or direction particularly in the nature of Writ of Mandamus declaring the action of respondents in not releasing TATA AC bearing Regno.No. AP-15 TC 3367 which was seized in connection COR No. 74 of 2017 on the file of Prohibition & Excise Police Station, Manthani, on 19-02-2017 as illegal, arbitrary, highhanded and unconstitutional and consequently to direct the respondents to release the TATA AC bearing Regno.No. AP-15 TC 3367 to the Petitioner for interim custody till the completion proceedings and to pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.”

(Reproduced verbatim)

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

3. Learned counsel for the petitioner submits that the request for release of the vehicle was not considered by the 2nd respondent for the reason that the vehicle does not stand in the name of the petitioner and it stands in the name of the deceased father of the petitioner.

4. Learned Government Pleader appearing for the respondents 1 to 3 submits that the vehicle may be directed to be released on condition of the petitioner depositing a sum of Rs.1,00,000/- by way of an FDR from a nationalised bank in favour of the 2nd respondent and on the

petitioner establishing his identity as well as entitlement for release of the vehicle and on production of the necessary vehicular documents.

5. Recording the submissions, the Writ Petition is disposed of with the following directions: 'On the petitioner approaching the 2nd respondent with an appropriate application enclosing a Fixed Deposit Receipt, from a nationalised bank, drawn in favour of the said authority payable at Karimnagar, for a sum of Rs.1,00,000/- [Rupees one lakh only], the subject vehicle viz., TATA AC bearing registration No.AP 15 TC 3367 shall be given interim custody to the petitioner on the petitioner establishing his identity and entitlement for having custody of the vehicle and on further producing the necessary vehicular documents including the registration certificate and on giving an undertaking that he will keep the vehicle insured at all times and in good roadworthy condition by regular maintenance without changing its features and major parts and that he will not create any third party interests in any manner over the said vehicle and shall produce the same before any authority/Court as and when necessary and directed. It is made clear that the FDR, which is directed to be made, shall be subject to the result of the final orders that may be passed in the matter, in the event of initiation of any proceedings against the petitioner as per law.'

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 27th November, 2017

Note: Issue C.C. by tomorrow.

(B/o.)

KL