

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44032 of 2017

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, filed by the petitioner, the complaint is against the inaction of the respondents in releasing the vehicle Auto bearing No.AP-20-TC-3791 seized on 12.11.2017 in Crime No.55/2017, on the file of the Station House Officer, Chinnagudur Police Station, Mahbubabad District.

2. I have heard the submissions of Sri *Srinath Atmakur*, learned counsel for the petitioner, the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 to 3, and of the learned Government Pleader for Home appearing for the 4th respondent. I have perused the material record.

3. At the hearing, learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 to 3 would submit that in matters of identical nature, this Court is releasing vehicles. A copy of the order of this Court, dated 02.11.2017, in W.P.No.36615 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 Auto bearing No.AP-20-TC-3791, 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: 26th December, 2017

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