

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.367 of 2018

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 a Writ of Mandamus declaring the action of the respondents in not releasing the DCM Van of the petitioner bearing registration No.A.P.24.TC.0187 pursuant to the registration of Cr. No.288 of 2017 on the file of the P.S. Maripeda, Mahabubabad District as illegal, arbitrary, improper, unjust, violation of principle's of natural justice and consequently direct the respondents to release the DCM Van of the petitioner bearing registration No.A.P.24.TC.0187 forthwith to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondents 1 to 3 and learned Government Pleader for Home appearing for respondent No.4. Perused material record.

3. At the hearing, it is 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 that by following the said orders, this Court disposed of W.P.No.42308 of 2017 on 13.12.2017. A request is made to dispose of the present writ petition in terms of the afore-stated orders.

4. Learned Government Pleader for Prohibition and Excise would submit that the value of the vehicle would be more than Rs.3,00,000/- and that the petitioner may be directed to furnish a Fixed Deposit Receipt for Rs.75,000/-, of any Nationalised Bank, drawn in favour of the authority concerned.

5. 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.3 to release the vehicle-DCM Van bearing registration No.AP-24-TC-0187 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.3 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.

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: 05.01.2018
va