

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4341 OF 2018

DATED :12.02.2018

Between :

Bhukya Ravi Kumar Naik S/o.Lingaiah,
Aged about 35 yrs, R/o.H.No.5-2-96/1,
L.B.S.Nagar, Yellandu, Bhadradri Kothagudem District.
.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue (Excise) Department,
Secretariat, Hyderabad & others.
.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4341 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not passing orders directing the 3rd respondent for release of the petitioner's Tata Xenon RX Pick Up Van bearing Reg.No.TS-03-UA-0345 seized in Cr.No.117 of 2017, inspite of his readiness to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the 2nd respondent to issue orders for release the above said vehicle, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Babuji Tenneti*, learned counsel appearing for the petitioner, learned Government Pleader for Prohibition and Excise appearing for the respondents 1 & 2, and of the learned Government Pleader for Home appearing for the 3rd respondent. I have perused the material record.

3. At the hearing, learned counsel appearing for the petitioner and the learned Government Pleaders appearing for the respondents are in agreement that the issue involved in the present writ petition is squarely covered by the order, dated 13.12.2017, of this Court in W.P.No.41520 of 2017.

4. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition, this Writ Petition is also disposed of directing respondent No.2 to release the

vehicle-Tata Xenon RX Pick Up Van bearing Reg.No.TS-03-UA-0345 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 thousand 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. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

12th February, 2018
Rds

P.NAVEEN RAO,J

