

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9637 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner requesting to declare the action of the respondents in seizing the petitioner's vehicle i.e., LMV Goods Carriage bearing No.AP 02W 8802, as illegal and arbitrary and against the principles of natural justice and to pass such other orders.

2. I have heard the submissions of Sri *G.Rajeshwar Rao*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana) appearing for the respondents 1 & 2. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that on the report of the Motor Vehicle Inspector concerned, the vehicle of the petitioner was seized on the ground that the chassis number and Engine number were erased and new numbers were punched and that, therefore, at the time of inspection, the punched numbers are not tallying with that in the registration certificate and, hence, a case in Crime No.215 of 2017 was registered by the police for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code and that despite the investigation has made considerable progress, the vehicle is not released and it was kept idle in an open place and the vehicle is exposed to inclement weather conditions and is getting spoiled.

3. Learned Government Pleader for Home, on instructions, would submit that since admittedly, the seizure of the vehicle is reported to

the Court of the learned Magistrate, in the event the petitioner requires an order for release of the vehicle for interim custody, he must approach the learned Magistrate.

4. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to file an appropriate application before the Court of the learned Magistrate concerned for release of the vehicle for interim custody. It is needless to state that in the event the petitioner files any such application, by following the procedure established by law, the learned Magistrate concerned shall dispose of the same, by following the procedure established by law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



M.SEETHARAMA MURTI, J

Date: 23rd March, 2018

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220

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