

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11795 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated above in the accompanying affidavit, it is therefore, prayed that this Hon’ble Court may be pleased to issue a writ, order or direction one in the nature of Mandamus declaring the in action of the 2nd respondent in releasing the vehicle of the petitioner bearing no. AP29TB7201 seized in the F.I.R No.12 of 2018 as illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent to forthwith release the vehicle i.e., Eicher van bearing No. AP29TB7201 seized on 8-2-2018 in F.I.R.No.12 of 2018 and be pleased to pass such other order or orders as this Hon’ble court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Raja Gopallavan Tayi*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 & 2. I have perused the material record.

3. At the hearing, learned Government Pleader for Home, on oral instructions, submits that the seized property is sent to the Court of the learned Judicial Magistrate of First Class, Addateegala, in Forum No.66 (Form No.60) on 08.02.2018.

4. In that view of the matter, the Writ Petition is disposed of reserving liberty to the petitioner to approach the learned Magistrate and file an appropriate application seeking release of the vehicle for interim custody. It is made clear that in the event the petitioner files any such application, the learned Magistrate shall consider and dispose of the same within a period of two (02)

weeks from the date of the said petition, however, 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: 16th April, 2018

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