

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.12377 OF 2018

ORDER:

In this Writ Petition, the action of respondent No.2 in taking custody of the petitioner's Tractor – Trailor (Truck) bearing Nos.AP 16 AG 9068/AP 27 Y 5720, on 22.03.2018, is questioned as illegal, irregular and in violation of principles of natural justice and the provisions of the Indian Constitution.

2. I have heard the submissions of Sri S.Subrahmanyam, learned counsel for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents. I have perused the material record.

3. At the hearing, learned Government Pleader for Home, on oral instructions, would submit that a case in Crime No.23 of 2018 was registered on the file of the Rural Police Station, Yelamanchili, for the offences punishable under Section 379 I.P.C. and Section 21(1) of MMDR Act; that the fact of seizure of the vehicles, during the course of investigation into the above said crime, was reported to the learned Additional Judicial First Class Magistrate, Yelamanchili, along with Form-66; and, that the property is in the safe custody of the Station House Officer.

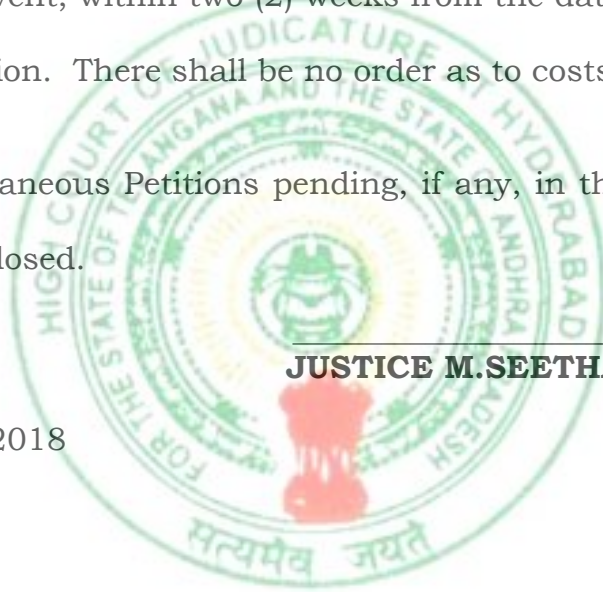
4. Learned counsel for the petitioner, in reply, would submit that the writ petition may be disposed of with appropriate directions and reserving liberty to the petitioner to approach the learned Additional Judicial First Class Magistrate, Yelamanchili, and seek appropriate remedies.

5. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to approach the learned Additional Judicial First Class Magistrate, Yelamanchili, and file appropriate application seeking interim custody of his vehicle aforementioned by following the procedure established by law. It is made clear that in the event the petitioner files an application in the above regard, the learned Additional Judicial First Class Magistrate, Yelamanchili, shall dispose of the same, in accordance with the procedure established by law, as expeditiously as possible and in any event, within two (2) weeks from the date of filing of the said application. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 20.04.2018
AMD



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