

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.31136 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 in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased 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 to release the petitioner’s Mahindra Alfa Auto bearing Reg. No. AP-01-Y-2963 seized in C.O.R.No.76 of 2018 on the file of the 3rd respondent inspite of his readiness to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the 2nd respondent to issue necessary 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.”

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.

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. A copy of the order of this Court in the afore-stated Writ Petition is placed on record.

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 Mahindra Alfa Auto bearing Reg.No.AP-01-Y-2963 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.40,000/- (Rupees forty 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. Confiscation proceedings, if any, initiated may go on.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

30th August, 2018

v v