

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition no.41673 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents in not releasing the Auto bearing No. TS 23T 2781 seized in Crime No.143 of 2018 inspite of readiness of the petitioner to furnish third party surety as being illegal, arbitrary and unjust. A consequential direction to the 2nd respondent to release the afore-said vehicle is also sought in the writ petition.

I have heard the submissions of the learned counsel for the petitioner, of the learned Government Pleader for Mines and Geology 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, it is represented that the issue involved in this writ petition is squarely covered by the orders of this Court, dated 31.07.2018, in WP.No.26596 of 2018. A copy of the said order is placed on record.

Having regard to the facts and submissions and the earlier orders, the Writ Petition is disposed of directing the 2nd respondent to give interim custody of the afore-stated vehicle to the petitioner subject to any final orders that may be passed in the criminal proceedings that may be initiated and on the petitioner furnishing a fixed deposit receipt from

a nationalized bank in favour of the 2nd respondent for Rs.40,000/- [Rupees Forty Thousands only] and on producing documents related to the ownership of the vehicle and giving an undertaking that he will maintain the vehicle in the same good condition without altering its features & parts and that he will not transfer or alienate the subject vehicle to 3rd party in any manner and will produce it as and when directed before the competent authority or the Court.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

20.11.2018

Note: Issue CC in two days

[B/o]

Vjl

