

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41917 of 2018

ORDER:

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

“...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 for release of the petitioner's Ashok Leyland Dost vehicle bearing Reg. No.TS-32-T-2142 seized in C.O.R.No.219/2018 inspite of his readiness to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the respondent No.2 to issue orders for release the vehicle to the petitioner, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. When the matter is taken up for hearing, learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the interim order of this Court, dated 20.07.2018, in I.A.No.1 of 2018 in W.P.No.25066 of 2018, wherein the facts are identical.

3. Learned Government Pleader for Prohibition and Excise (TS) appearing for the respondents endorses the said submissions.

4. A joint request is made to dispose of the writ petition.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 2nd respondent to release the vehicle bearing Registration No. TS 32 T 2142 for interim custody of the petitioner on the petitioner furnishing a Fixed Deposit Receipt issued by a Nationalised Bank for a sum of Rs.50,000/- (Rupees Fifty thousand only) in favour of the 2nd respondent and on the petitioner giving an undertaking to the satisfaction of the 2nd respondent that he will maintain the vehicle in the same good condition without changing its features & parts and that he will not alienate/transfer the vehicle and will produce the same as and when directed before the authority concerned. However, this order shall not prevent the respondents from proceeding in accordance with law insofar as jaggery and also the subject vehicle, as the present order is only an order directing interim custody to the petitioner. The order granting interim custody to the petitioner shall hold good till the conclusion of the proceedings/prosecution.

There shall be no order as to costs.

As a sequel, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

M.SEETHARAMA MURTI, J

20.11.2018

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