

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.951 of 2019

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 order or direction more particularly one in the nature of writ of mandamus declaring the action of respondent No.2 in not releasing the petitioner's auto bearing No.TS-03-UA-1872 seized in Cr.No.381 of 2018 on the file of the 3rd respondent, in spite of his readiness to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the 2nd respondent to release the vehicle and to grant such other relief”.

2. I have heard the submissions of Sri G. Chakravarthi, learned counsel appearing for the petitioner, learned Government Pleader for Home appearing for respondents 1 and 3 and learned Government Pleader for Prohibition and Excise appearing for respondent No.2. I have perused the material record.

3. 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 26.12.2017, of this Court in W.P.No.44088 of 2017. A copy of the order of this Court in the said writ petition is placed on record.

4. 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 the 2nd respondent to release the vehicle-Auto bearing No.TS-03-UA-1872 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 the 2nd respondent 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. No order as to costs.

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

CHALLA KODANDA RAM, J

23rd January, 2019

sj