

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.1066 OF 2019

Date: 29.01.2019

Between:

P.Chandra Shekar Reddy, s/o. Krishna Reddy,
Aged about 43 years, occu: Agriculture,
R/o. H.No.2-99, Manneguda (Gram Panchayat),
Turkayamzal, Hayathnagar Mandal, R.R. district.

.....Petitioner

and

The State of Telangana, through its Secretary,
Home Department, Hyderabad and others.

....Respondents

The Court made the following:

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ORDER:

Petitioner claims that he is the owner of AUDI Q-3 Car bearing registration No.TS-08-EB-1135. Petitioner alleges that he has lent his Car to his friend in September, 2017, but the Car was not returned to him and on enquiries, he came to know that Car was kept in the Police Station at Begumpet. Petitioner filed CrI.M.P.No.3288 of 2017 in Crime No.298 of 2017 on the file of Begumpet Police Station in the Court of XI Additional Metropolitan Magistrate at Secunderabad. On 24.03.2018, the Magistrate ordered for release of vehicle on fulfillment of conditions mentioned therein. It appears, several reminders were issued, but the vehicle was not released. Alleging that vehicle is not released in spite of orders passed by the competent Court and vehicle is damaged and many parts of the vehicle is stolen, petitioner also filed complaint alleging that illegally the Station House Officer was not depositing the property as directed by the Court and theft is occurred. In pursuant to the said complaint, explanation was called. On due consideration of the explanation, the Court passed orders on 05.10.2018 in SR No.6529/2018. Reading of the order would show that based on the memo filed by the Police on 20.09.2018, property clerk was deputed and in his presence and in the presence of AMVI, panchanama was conducted, and panchanama and photographs were filed in the Court in CrI.M.P.No.3288 of 2017. The Assistant Motor Vehicle Inspector also gave a report on 09.05.2018 after physically inspecting the vehicle. The condition of the vehicle is submitted to the Court by the Investigating Officer

on 29.08.2018. When the matter was called on 05.10.2018, petitioner was not present in the Court. It appears, on 27.09.2018, learned counsel representing the petitioner represented to the Court that his party is not willing to take the vehicle from the Police Station in the present condition. Taking note of the said objection, the trial Court passed orders granting liberty to the petitioner to receive the property in the present condition as per the earlier orders dated 24.03.2018. Taking note of the objection of petitioner that Car is not in the condition in which it was seized, on account of which he sustained loss, the Court granted liberty to initiate appropriate legal proceedings as available in law for the loss sustained by him.

2. This Writ Petition is filed alleging that in spite of several orders passed by the Court on 24.03.2018 and subsequent reminders, the property was not deposited in the Court and in the meantime, extensive damage caused to the vehicle. The prayer sought in the Writ Petition is to declare the action of respondents 2 to 4 in not delivering/non production of vehicle as per the orders of the XI Additional Chief Metropolitan Magistrate at Secunderabad dated 24.03.2018 passed in CrI.M.P.No.3288 of 2017 was illegal, arbitrary and affecting the right to life of petitioner and consequently to pass orders directing the respondents 1 to 4 to deliver the vehicle with original all AUDI company parts including tyres and headlights forthwith.

3. On the petition filed by the petitioner, learned XI Additional Chief Metropolitan Magistrate at Secunderabad passed orders on 24.03.2018 for production of vehicle and later further orders are

passed on 05.10.2018, as noted above. It is seen from the averments in the affidavit, petitioner has not disclosed the subsequent orders passed by the Court. Since liberty is already granted to the petitioner to take appropriate legal course of action on the allegation of sustaining loss to the vehicle owned by him when the vehicle was in the custody of the Police, no further orders are required to be passed by this Court. Thus, when liberty was granted by the competent Court to avail appropriate remedy while dealing with the claim of petitioner for granting interim custody of the property and with reference to the alleged damage caused to the petitioner, no justification is made for invoking the jurisdiction of this Court under Article 226 of the Constitution of India. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand dismissed.

JUSTICE P.NAVEEN RAO

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