

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.5987 OF 2019

Date:22.03.2019

Between:

Kiran Dhananjay Divekar, S/o. Dhananjay
Divekar, aged about 34 years, R/o. Shivaji
Nagar, Warwand, Pune, Maharashtra

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue (Excise)
Department, Secretariat, Hyderabad
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.5987 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 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 lorry bearing Reg.No.MH-12-GT-5189 seized in C.R.No.471 of 2018, in spite of his readiness to furnish the third party surety, as being illegal, arbitrary and unjust and consequently direct the respondent No.2 to pass orders for release the above vehicle, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri Shankera Banu, learned counsel appearing for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 to 3. I have perused the material record.

3. At the hearing, learned counsel appearing for the petitioner and 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.

4. In view of the submissions and the earlier order of this Court and for the reasons alike as were mentioned in the earlier order of this Court in the afore-stated Writ Petition, this Writ Petition is also disposed of directing respondent No.2 to release the vehicle - Lorry bearing No.MH-12-GT-5189 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.1,00,000/- (Rupees One Lakh 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 their major parts and features and would produce the same as and when directed before any Court or competent authority. There shall be no order as to costs.

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

Date:22.03.2019

KH

P. NAVEEN RAO, J

