

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7576 of 2019

ORDER:

This writ petition is filed for the following relief:

“..to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in seizing the vehicle bearing No.TS20 T 1891 as illegal arbitrary and consequently direct the respondents 2 and 3 to release the vehicle bearing No.TS20 T 1891 of the petitioner and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

When the matter is taken up, it is submitted by the learned counsel for the petitioner as well as learned Standing Counsel appearing for the respondents that the issue raised in the present Writ Petition is squarely covered by the order, dated 28.03.2019, passed by this Court in Writ Petition No.6567 of 2019.

Relevant portion of the aforesaid order reads as under:

“In the facts of the present case and in the light of the above provision of law, the seized goods vehicle, if not handed over to the 2nd respondent already, the 3rd respondent shall do so forthwith. The petitioner is given liberty to approach respondent No.2, within a week from the date of receipt of a copy of this order, under Section 34 of the Act and seek interim custody of the subject vehicle, pending adjudication of the main case. As and when such Application is made, respondent No.2 shall consider the same within ten days thereafter, as keeping vehicle idle would not enure to the benefit of anyone, as is held by the Hon'ble Supreme Court in a catena of judgments.”

Following the aforesaid order and for the reasons stated therein, this Writ Petition is also disposed of with a direction to the second respondent to make over the vehicle to the third respondent forthwith,

who shall pass orders on the application of the petitioner.
Miscellaneous petitions, if any, pending in this writ petition shall also
stand disposed of. There shall be no order as to costs.

April 10, 2019
DSK

CHALLA KODANDA RAM, J

