

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13532 OF 2019

Date:10.07.2019

Between:

Ch. Veera Venkateswara Rao, S/o. Kondala
Rao, aged about 45 years, R/o.H.No.4-194/1,
Near Venkateswara Swamy Temple,
Appanaveedu Hanuman Junction,
Pedapadu Mandal, West Godavari District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Home Department,
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13532 OF 2019****ORDER:**

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased 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 releasing the Lorry bearing Reg.No.AP-16-TF-9144 seized in Cr.No.10/2019, in spite of the readiness of the petitioner to furnish the third party surety, as being illegal, arbitrary and unjust, 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, learned counsel for the petitioner, after making submissions, sought permission to implead the Deputy Commissioner, Prohibition and Excise, Warangal District, as respondent No.3, since he is the competent authority. Accordingly permission as sought is granted.

3. I have heard the submissions of Ms. Shakera Banu, learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise. I have perused the material record.

4. At the hearing, learned counsel for the petitioner and learned Government Pleader 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.

5. 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.3 to release the vehicle - Lorry bearing No.AP-16TF-9144 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.2,00,000/- (Rupees Two Lakhs only) from any nationalized bank in favour of respondent No.3 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. Pending miscellaneous petitions, if any, shall stand closed.

Date:10.07.2019

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P. NAVEEN RAO, J