HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.23865 OF 2019

ORDER (ORAL) :

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of respondent No.2 in seizing the vehicle i.e., Goods Carriage bearing No.AP 01 U 6085 (H.G.V.), as illegal and arbitrary and against the principles of natural justice and to pass such other orders.

2. Heard the submissions of Sri T. Srinivas, learned counsel for the petitioner, and the learned Government Pleader for Home appearing for respondent Nos.1 and 2, and perused the material on record.

3. At the hearing, learned counsel for the petitioner would submit that on the report of the Motor Vehicle Inspector concerned, the vehicle of the petitioner was seized on the ground that its chassis and engine numbers were erased and new numbers were punched thereon and, therefore, though the said numbers are tallying with its registration certificate, a case in Crime No.215 of 2017 has been registered by the police for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code, 1860. He further submits that despite considerable progress in the investigation, the vehicle is not yet

released and it was kept idle in an open place and due to its exposure to inclement weather conditions, it is getting spoiled.

4. The learned Government Pleader for Home, on instructions, would submit that admittedly seizure of the vehicle is reported to the Court of the learned Magistrate concerned, as such, if the petitioner requires an order for release of the vehicle for interim custody, he has to approach the learned Magistrate.

5. Recording the aforesaid submissions of the learned counsel on either side, the writ petition is disposed of granting liberty to the petitioner to file an appropriate application before the Court concerned for release of the vehicle for interim custody. It is needless to state that in the event the petitioner files any such application, by following the procedure established by law, the Court concerned shall dispose of the same, by following the procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the writ petition stand closed in the light of this final order.

T. VINOD KUMAR, J

November 14, 2019.
PV