

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.145 OF 2020

ORDER:

This Writ Petition is filed to declare the proclamation Order issued in proceedings Rc. No.51/Addl.CP/CAR.Hqrs/2019 dated 20.06.2019, in so far as it relates to three wheelers i.e., auto-rickshaws are concerned, and all other consequential proceedings, as being arbitrary, illegal and discriminatory.

Heard Sri P.V. Krishnaiah, learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

The present writ petition has been filed by one Telangana Auto Hire Purchase Association bearing Registration No.363/2015 represented by its Secretary. It is submitted by the learned Counsel for the petitioner that the said association represents its members who are all undertaking finance business and extend finances for the intending purchasers to purchase the three wheeler i.e, Auto rickshaw, which are said to be seized by the respondent police authorities for being involved in certain crimes and since they are unclaimed and are brought up for being auctioned by scrapping the same.

Learned Counsel for the petitioner submits that the petitioner's association also made a representation to the authorities on 31.12.2019 seeking to stop the auction which it is stated is pending consideration by the authorities.

On the other hand, learned Assistant Government Pleader for Home submits that the present Writ Petition as filed is not maintainable, as it is not the petitioner who has extended finances for the purchase of any of the vehicles. Further, from the Certificate of Registration it is evident that various finance companies have financed the said purchase of the vehicles which are involved in crimes and are seized by the authorities. He would also further submit that since the auction was scheduled on 31.12.2019, the same has been preceded with by the authorities and the same cannot be interdicted at this stage. Learned Assistant Government Pleader also submitted that upon issuing proclamation on 20.06.2019, the same was placed in the web site of the department whereby the general public were informed that if any person having any objection or ownership interest in any of these vehicles, they were required to file an application before the Commissioner of Police, Basheerbagh, Hyderabad, claiming such vehicle and a period of six months has been given for the same. It is only thereafter the vehicles have been brought for public auction. The petitioner having waited all through this period, has addressed the representation to the 1st respondent at the last moment and even that the petitioner did not submit to the 1st respondent, but submitted only in the office of the Additional Commissioner of Police, Law & Order, Hyderabad.

Having regard to the said submissions made by the Counsel on either side, this Court is of the view that the writ petition as filed by the petitioner is without locus and does not merit any consideration by this Court.

Accordingly, the Writ Petition is dismissed. No order as to costs.

As a sequel thereto, the miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

Date: 03.01.2020.

MRKR

