

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.337 of 2020

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India seeking a *Writ of Mandamus* directing the 3rd respondent-Station House Officer, Nizamabad Rural Police Station, to release the petitioner's vehicle make of Maruti Ertiga Car bearing registration No.AP25-AP-4104 lying as junk at 4th respondent-Station House Officer, Nizamabad IV-Town Police Station, along with mobile phones, which are illegally detained by the police, as being illegal, arbitrary and contrary to law.

Heard Sri K. Purushotham, learned counsel for the petitioner and the learned Assistant Government Pleaders for Excise and Home appearing for the respondents.

The learned Assistant Government Pleader for Home submits that a case in Crime No.239 of 2019, dated 27.09.2019 has been registered and is pending consideration before the Court of the Special Prohibition and Excise Magistrate, Nizamabad. Further, the vehicle seized by the police authorities has been handed over to the State Excise Authorities i.e., 5th respondent-Station House Officer, Prohibition and Excise Station, Nizamabad, who is working under the control of Deputy Commissioner of Prohibition and Excise, Nizamabad.

The learned Assistant Government Pleader further submits that this Court in similarly placed circumstances directed the concerned to approach the Deputy Commissioner of Prohibition and Excise, as he is the competent authority to grant release of the vehicle, and has drawn attention of this Court the orders passed by this Court in Writ Petition Nos.24990 of 2019 and 26758 of 2019 dated 18.11.2019 and 04.12.2019 respectively.

It is further submitted that the petitioner did not choose to make the Deputy Commissioner of Prohibition and Excise, Nizamabad, as party respondent to the writ petition.

Having regard to the submissions made and considering the material on record, since the petitioner has not made any application before the Deputy Commissioner of Prohibition and Excise, Nizamabad seeking release of the vehicle, liberty is granted to the petitioner to make an application before the said authority for release of the vehicle. Upon filing of such application by the petitioner, the Deputy Commissioner of Prohibition and Excise shall consider and pass appropriate orders on the same in relation to the release of the vehicle, in accordance with law and having regard to the provisions of the Telangana State Excise Act, 1968, subject to the petitioner providing security to the value of the said vehicle, as valued by the Motor Vehicle Inspector, within a period of

four weeks, from the date the petitioner makes such application seeking for release of the vehicle.

With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this Writ Petition shall stand closed.

T. VINOD KUMAR, J

Date: 08.01.2020
Isn

