

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2606 OF 2020

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

2. The prayer sought in the writ petition is as under:

'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 Respondents in seizing DCM Bharat Benz 1214 RII BSIII Bearing No.TS 05 UA 4613 and Maruti Baleno Zeta BS IV Bearing No.TS 05 EP 5828 of the first petitioner along with 151 Bags (9.5 Tonnes = 95 Otls) of Rice of the Second petitioner seized under cover of Panchanama dated 23.01.2020 is illegal, improper and without any power or authority under law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

3. At the time of hearing, it is brought to the notice of this Court that in a case with identical facts, this Court disposed of many writ petitions and one of such matters have been placed in the material papers at Page Nos.37 to 49 filed along with the writ petition. The petitioners submit that the seized vehicles of the first petitioner along with the seized rice belonging to the second petitioner may be released subject to giving security in the form of immovable property security.

4. Therefore, for the reasons alike as were stated, this Writ Petition is disposed of with a direction to the second respondent to release the vehicles DCM Bharat Benz 1214 RII BSIII Bearing No.TS 05 UA 4613 and Maruti Baleno Zeta BS IV Bearing No.TS 05 EP 5828 to the first petitioner for interim custody subject to the final orders to be passed in the criminal

proceedings, if any, on her furnishing immovable property security for the value of the vehicles as determined by the Motor Vehicle Inspector and also on production of the original R.C.Book and on her further giving an undertaking that she will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicles in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed before any Court or competent authority. Further, the respondents are also directed to release the seized stock of 95 quintals of rice to the second petitioner subject to his furnishing an immovable property security towards the value of the seized stock as determined by the second respondent. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 11.02.2020

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JUSTICE P.KESHAVA RAO

