

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.3346 of 2020

ORDER:

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

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

“...to issue a writ or Order one in particularly a WRIT OF MANDAMUS declaring the action of respondents in not releasing the entire seized rice bag stock of 234.25 Quintals along with the Bolero vehicle bearing No.AP22 TA 5978, Hundai vehicle bearing No.AP09 AW1521 along with HERO GLAMOUR with Engine No.JA06EJCGM17700 and chasis no.NBLJA06ACCGM15343, in favour of petitioner being illegal, irregular, arbitrary and in violation of principles of natural justice and consequently direct the respondents to release the entire seized rice bag stock of 234.25 Quintals along with the Bolero vehicle bearing No.AP22 TA 5978, Hundai vehicle bearing No.AP09 AW1521 along with HERO GLAMOUR with Engine No.JA06FOCGM17700 and chasis no.NBLJA06ACCGM15343, in favour of petitioner on him furnishing the personal bond and to 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. The petitioner submits that the seized vehicles and the seized rice 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 respondents to release the vehicles i.e., Bolero vehicle bearing No.AP 22 TA 5978, Hundai vehicle bearing No.AP 09 AW 1521 and Hero Glamour with Engine No.JA06EJCGM17700 and chasis No.NBLJA06ACCGM15343 to the

petitioner for interim custody subject to the final orders to be passed in the criminal proceedings, if any, on his 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 his further giving an undertaking that he will not transfer or alienate the vehicles 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 234.25 quintals of rice to the petitioner subject to his furnishing 50% of the bank guarantee and 50% of the immovable property security towards the value of the seized stock as determined by the second respondent. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

20th February 2020

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P. KESHA VA RAO, J