

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.4760 of 2020

ORDER:

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

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

“It is, therefore, prayed that this Hon’ble court may be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing petitioner’s Lorry bearing No.TS 05 UC 4238, Ashok Leyland highhandedly and without verifying the documents etc., as bad, arbitrary, illegal, unconstitutional and consequently direct the respondents to release the lorry bearing No.TS 05 UC 4238, in favour of the petitioner and pass such other and further order or orders, as this Hon’ble Court may deem fit and proper in the circumstances of the case in the interest of justice.”

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. The petitioner submits that the seized vehicle of the 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 respondents to release Lorry bearing No.TS 05 UC 4238 to the petitioner for interim custody subject to the final orders to be passed in the criminal proceedings, if any, on his furnishing fixed deposit receipt obtained from any nationalized bank for the 50% of the value of the vehicle as determined by the Motor Vehicle Inspector and on furnishing immovable property security for the remaining 50% 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 vehicle to third party in any manner and will maintain the vehicle 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.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

3rd March 2020

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P. KESHA VA RAO, J

