

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5076 of 2020

ORDER:

This writ petition is filed for the following relief:

“.... to issue a Writ. order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not passing directing the 3rd respondent to release the Mahindra Bolero Maxi Truck Goods Carriage bearing No. TS 26 T 4538 seized in Crime No. 136 of 2019 of P.S. Mahabubabad in spite of the readiness of the petitioner to furnish the third party surety, as being illegal and arbitrary and consequently direct the 3rd respondent to order for release of the vehicle to the petitioner...”

Heard learned counsel for the petitioner and learned Government Pleader appearing for respondent Nos.1 and 2.

It is brought to the notice of this Court that in a case with identical facts, this Court disposed of many writ petitions.

Admittedly, the subject vehicle of the petitioner was seized on the ground that it was transporting jaggery and alum for selling the same to liquor manufacturers.

Therefore, inasmuch as transportation of jaggery, which was seized, is not prohibited under any law, pending disposal of the criminal proceeding/departmental proceedings under Section 34 of the Telangana Excise Act, the writ petition is disposed of with a direction to the respondent authorities to release Mahindra Bolero Maxi Truck Goods Carriage bearing No. TS 26 T 4538 to the petitioner for interim custody subject to the final orders to be passed in the criminal proceedings, if any, on his furnishing third party

security for a sum of Rs.3,00,000/- (Rupees three lakhs only) and also on production of the original R.C. Book and on his further giving an undertaking that he would not transfer or alienate the vehicle to third party in any manner and would 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.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:06.03.2020

kdl

CHALLA KODANDA RAM, J



