

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 10916 OF 2020

Between:

Pathalavath Ravindar, S/o P. Alaiah, Aged about 31 Years, Occ: Business,
R/o. H-No.6-14, Vekanna Guda, Farooq Nagar Mandal, Veljerla-II, Veljerla,
Ranga Reddy District, (Erstwhile Mahaboob Nagar)

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Ranga Reddy District at Nampally, Hyderabad.
3. The Commissioner of Police, Cyberabad Police Commissionerate, Ranga Reddy District, Hyderabad.
4. The Station House Officer, Shamshabad Police Station, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondent No.4 in not releasing petitioner motor cycle i.e., Royal Enfield bearing No.TS.12.EC.0110 and Oppo F-9 mobile phone in relation to Crime No.158 of 2020 Dated 27-03-2020 on the file of Shamshabad Police Station though the petitioner requesting him to deposit the same before 2nd respondent as per the Telangana Excise act, and rules in force, the same is being illegal, arbitrary, unjust and violation of article 14, 21 and 300A of the Constitution of India and consequently direct the 4th respondent to release the petitioner motor cycle i.e., Royal Enfield bearing No.TS.12.EC.0110 and Oppo F-9 mobile phone in relation to crime No.158 of 2020 Dated, 27-03-2020 on the file of Shamshabad Police Station.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th respondent to release the petitioner motor cycle i.e., Royal Enfield bearing No.TS.12.EC.0110 and Oppo F-9 mobile phone in relation to crime No.158 of 2020 Dated; 27-03-2020 on the file of Shamshabad Police Station Pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI BONDEMPALLY RAMULU

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10916 of 2020

ORDER:

Heard learned counsel for the petitioner, and learned Government Pleader for Prohibition & Excise Department.

The petitioner's Royal Enfield motorcycle bearing Registration No.TS-12-EC-0110 was seized by the 4th respondent – SHO, Shamshabad Police Station, on 27.03.2020 on the allegation that the vehicle was used for illegal transportation of liquor. The Oppo F-9 Mobile phone of the petitioner is also stated to be seized. A case in Crime No.158 of 2020 also came to be registered against the petitioner along with other accused.

Having considered respective submissions, as enquiry is required to be conducted, respondent No.2-Deputy Commissioner of Prohibition and Excise shall release the subject vehicle along with the Oppo F-9 mobile phone of the petitioner, subject to the petitioner furnishing Fixed Deposit Receipt (FDR) for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with the 2nd respondent. The petitioner shall also furnish an undertaking with the 2nd respondent that he shall not alienate or change the physical features of the vehicle. The 2nd respondent shall write to the RTA authority to not transfer the vehicle on any third parties name without clearance from the Excise Department. The release of vehicle is in view of the situation existing on account of COVID-19, and the release shall be subject to the orders that shall be passed by respondent authorities pursuant to the enquiry under the provisions of Excise Act.

Subject to the above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

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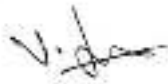
**SD/- B. SATYAVATHI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,
1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.

2. The Deputy Commissioner of Prohibition and Excise, Ranga Reddy District at Nampally, Hyderabad.
3. The Commissioner of Police, Cyberabad Police Commissionerate, Ranga Reddy District, Hyderabad.
4. The Station House Officer, Shamshabad Police Station, Ranga Reddy District.
5. One CC to Sri Bondempally Ramulu, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
7. Two CD Copies

MP



HIGH COURT

DATED:22/07/2020

ORDER

W.P.No.10916 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(9) VW
29/7/20