

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

**FRIDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No. 12384 OF 2020

Between:

Kummarikuntla Nagaraju, S/o. Kummarikuntla Pichaiah, Aged about 42 years, Occ-Business R/o. H. No. 1-135/5, 5th ward, Enubamula, Atmakur. Suryapet District, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home Secretariat, Hyderabad
2. The Station House Officer, Kondamallepally Police Station, Nalgonda District.
3. The Regional Transport Authority, Suryapet.
4. M/s. Kanakadurga Finance Co. Ltd., Rep. by its Authorized Signatory, # Flat No. 2, 1st Floor, Opp to Legend Apartments, St. No. 8, KSN Colony, Habsiguda, Hyderabad
5. Gangavarapu Srinivas Rao, S/o. Ramesh, Aged about- Major, Occ- Business, R/o. H. No. 10/2, RT Agarwal Hospital, Panjagutta, Hyderabad - 500 082, and also H. No.3, Gutavaripalem, Muppala, Krishna, Andhrapradesh - 521183.
6. Paladugu Satish, S/o. Rama Rao, Aged about- Major, Occ- Business R/o. Flat No. 306, Megafort APTS, NR- Bachpan Schooleswar Villas Road, Kukatpally, Hyderabad- 500 090.
7. Nettem Mounika, W/o. Ramesh Aged about- Major, Occ- Not Known R/o. Keshavapuram Village, Nandigudem, Suryapet, Nalgonda - 508 213.
8. Nettam Rajiv Gandhi, S/o. Mohan Rao, Petitioner Aged about 38, Occ- Business, R/o. 2/2/A, Keshavapuram (V), Nandigudem Suryapet 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 an appropriate writ or order or direction, more particularly, one in the nature of Writ of Mandamus declaring the action of respondent No. 2, in seizing the vehicle with Regn. No. TS 29 T 2220, registered in the name of the petitioner, as illegal, unjust, violative of Article 14 and 300-A of Constitution of India, and consequently direct the 2nd Respondent to return the vehicle to the petitioner.

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 2nd Respondent to handover vehicle with Regn. No. TS 29 T 2220, to the petitioner herein pending disposal of the above writ petition.

Counsel for the Petitioner: SRI POTTIGARI SRIDHAR REDDY

Counsel for the Respondent Nos. 1&2: GP FOR HOME

Counsel for the Respondent No.3: AGP FOR TRANSPORT

Counsel for the Respondent Nos. 4 to 8: NONE APPEARED

The Court made the following: ORDER

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.12384 OF 2020

ORDER.

The present writ petition is filed under Article 226 of the Constitution of India for issue of a writ of mandamus declaring the action of the 2nd respondent authority in seizing the vehicle with registration No.TS 29T 2220 registered in the name of the petitioner, as illegal, unjust, violative of Article 14 and 300A of Constitution of India with a consequential direction to the 2nd respondent to return the subject vehicle to the petitioner.

2. The present writ petition is taken up for hearing today, i.e. 14.08.2020, through Video Conferencing.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home and Assistant Government Pleader for Transport.

4. Learned Counsel for the petitioner reiterates the writ averments.

5. Learned Counsel for the petitioner would further submit that the petitioner is the registered owner of the vehicle as per the registration certificate issued by the Transport department and the respondent Nos.4 to 8 have nothing to do with the above said vehicle and the 2nd respondent authority has no power to seize the said vehicle belonging to the petitioner.

6. Learned Assistant Government Pleader for Home has forwarded to this Court by e-mail, written instructions dated 14.08.2020 in the form of a counter affidavit under the signature of Sub-Inspector of Police, Kondamallepally police station,

Nalgonda District. By the aforesaid written instructions, it is stated that on 07.07.2020, the 2nd respondent police received Dial 100 call from the writ petitioner herein stating that some unknown persons stopped the subject vehicle i.e., Goods Carriage DCM bearing registration No.TS 29 T 2220, driven by his driver and drove away the subject vehicle and requested to take necessary action immediately. Later, the driver of the said vehicle, informed the 2nd respondent that the subject vehicle was taken away by the police of Ibrahimpatnam police station, Rachakonda Commissionerate and later handed over the same to M/s. Kanakadurga Finance Company Limited, Habsiguda, Hyderabad, the 4th respondent in the present writ petition, as there are some financial transactions over the subject vehicle.

7. By the aforesaid written instructions, it is further stated that the 2nd respondent authority upon receiving the communication with regard to the petitioner approaching this Hon'ble Court seeking release of the vehicle from the said authority, since, the subject vehicle in question is neither seized by the 2nd respondent authority nor in the possession of the 2nd respondent authority, the 2nd respondent authority caused enquiry with the Ibrahimpatnam police station, Rachakonda Commissionerate, who informed the 2nd respondent authority, that the 4th respondent in the present Writ Petition approached the Ibrahimpatnam police station, Rachakonda Commissionerate and sought assistance to take possession of the subject vehicle on the basis of an order passed by the Arbitrator in an Arbitration case and taken the subject vehicle and kept the same under their safe custody. It is also stated that there are internal financial disputes between the petitioner and unofficial respondents, for which the 4th respondent

had initiated arbitration proceedings wherein an order was passed in I.A. No.1 of 2020 in Arbitration Case No.80/KFL/TS/2020 dated 13.07.2020 was directing the petitioner therein i.e., 4th respondent in the present Writ Petition entitling to take possession of the subject vehicle bearing registration No.TS 29T 2220 from any premises where the asset is lying are kept, and keep the same in the custody till the disposal of arbitration case. By the aforesaid I.A, it is also stated that the petitioner company therein is also permitted to take necessary police assistance for repossession/implementation of the order regarding the subject vehicle wherever it is necessary. By the aforesaid written instructions, it is further stated that the dispute of the petitioner as well as the unofficial respondents herein is purely civil in nature relating to money transactions and the 2nd respondent police did not seize the subject vehicle of the petitioner at any point of time nor handed over the same to the 4th respondent in the present writ petition.

8. It is also stated that in order to settle the internal disputes between the petitioner and the 4th respondent company and the other unofficial respondent, the petitioner has filed the present Writ Petition by making false and baseless allegations against the 2nd respondent authority.

9. Having regard to the submissions made as above, since it is categorically stated on behalf of the 2nd respondent authority, the 2nd respondent has neither seized the vehicle nor handed over the same to the 4th respondent or any other authority and as evident that the custody of the above vehicle having been taken over by the 4th respondent, in a pending arbitration proceedings initiated by

the 4th respondent, no further order need be passed in the present writ petition. However, it is open for the petitioner to approach appropriate forum and to avail remedies in accordance with law against the interim order passed by the Arbitrator, if so advised.

10. Subject to the above observation, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, State of Telangana, Secretariat, Hyderabad
2. The Station House Officer, Kondamallepally Police Station, Nalgonda District.
3. The Regional Transport Authority, Suryapet.
4. One CC to Sri. Pottigari Sridhar Reddy, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
6. Two CCs to GP for Transport, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

Prk



HIGH COURT

DATED:14/08/2020

ORDER

WP.No.12384 of 2020



Disposing of the WP,
without costs.

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[Signature]
24/08/2020