

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

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 26752 OF 2021

Between:

Bairu Ramalingaiah, S/o Saidulu, Aged 35 years, Occ: Owner of the Lorry,
R/o Peruru (V), Anumula (M), Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Station House Officer, P.S. Peddavoora, Nalgonda District.
3. The Joint Collector, Nalgonda District at Nalgonda District.

(R-3 is impleaded as per Court Order, dated 23.01.2021 in I.A.No.2 of 2021.)

...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 or Direction preferably Writ of Mandamus, declaring the action of the respondent no.2 in seizing the vehicle of the petitioner i.e. vehicle bearing no.TS 05UD-9987 make of Ashok Leyland (Goods Carriage LMV) as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondent no.2 to release the vehicle in favour of the petitioner.

IA NO: 1 OF 2021

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 respondent no.2 to release the vehicle bearing no.TS 05UD-9987 make of Ashok Leyland (Goods Carriage LMV) in favour of the petitioner, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. M.V. HANUMANTHA RAO

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

Counsel for the Respondent No.3: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.26752 of 2021

ORDER:

This writ petition is filed to declare the action of the respondent No.2 in seizing the vehicle of the petitioner bearing No.TS 05 UD 9987 as illegal and arbitrary and for consequential direction to the respondent No.2 to release the vehicle.

2. The petitioner claims to be the owner of the vehicle. The vehicle is stated to have been seized when the driver of the vehicle was found transporting PDS rice in contravention of the provisions of the Essential Commodities Act. He further stated that he is no way responsible for the alleged acts committed by the driver and the vehicle was illegally seized. It is further stated that there is likelihood of damage to the vehicle if it is kept idle.

3. In the circumstances, the writ petition is disposed of directing the respondent No.3 to release the vehicle bearing No.TS 05 UD 9987 subject to the petitioner furnishing bank guarantee for a sum of Rs.1,00,000/- (Rupees One Lakh only). The vehicle shall be released on petitioner producing the proof of ownership and registration certificate of the vehicle. However, the petitioner shall not alienate or alter the nature of the vehicle. The release of the vehicle shall be subject to the confiscation proceedings that would be initiated by the respondent No.3.

The writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

**SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, P.S. Peddavoora, Nalgonda District.
2. The Joint Collector, Nalgonda District at Nalgonda District.

3. One CC to Sri M.V. Hanumantha Rao, Advocate [OPUC]
4. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies
7. One Spare Copy

CHR

plp



HIGH COURT

DATED:23/11/2021

ORDER

W.P.No.26752 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

10
C. J. S. Rao
02/12/2021