

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

**FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 17717 OF 2022

Between:

Shaik Hussain, S/o Mohd. Ghouse aged about. 38 Yrs, Occ. owner of Vehicle bearing No.TS36T1719 R/o H.No.2-4-151, Ward No.151,Sajeedpura, Siddipet, Telangana State

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department. Secretariat Hyderabad
2. The Commissioner of Police, Rachakonda Commisisonerate
3. The Station House Officer, Medipally Police Station Rachakonda Commissionerate

...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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus. declaring the action of the 3rd respondent to release the petitioner s Mahindra Bolero Vehicle bearing No.TS 36 T 1719 which was seized in Crime 169/2022 on the file of Medipally Police Station inspite of the readiness of the petitioner to furnish the third party surety as the petitioner vehicle worth is Rs.2,00,000/- market value at present, as being illegal, and arbitrary and consequently direct the 3rd respondent to order for release of petitioners Mahindra Bolero Vehicle bearing No.TS 36 T 1719 which was seized in Crime 169/2022 on the file of Medipally Police Station falls under the jurisdiction of Hon'ble III Addl. Metropolitan Magistrate-Cum-III Addl. Junior Civil Judge, Cyberabad at L.B.Nagar.

IA NO: 1 OF 2022

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 3rd respondent to release the petitioners Mahindra Bolero Vehicle bearing No.TS 36 T 1719 which was seized in Crime 169/2022 on the file of Medipally Police Station falls under jurisdiction of Hon'ble III Addl. Metropolitan Magistrate-Cum-III Addl. Junior Civil Judge, Cyberabad at L.B.Nagar, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. T.KISTAIAH

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.17717 of 2022

ORDER:

This writ petition is filed questioning the action of respondent No.3 in refusing to release the vehicle of petitioner i.e., Mahindra Bolero bearing No.TS 36 T 1719, which was seized in Cr.No.169 of 2022 on the file of Medipally Police Station, in spite of the readiness of petitioner to furnish the third party surety, as illegal and arbitrary.

2. Heard learned counsel for the petitioner Mr. T. Kistaiah and learned Government Pleader for Home for respondent Nos.1 to 3.

3. Learned counsel for the petitioner submits that when the petitioner has approached the Court below for interim custody of the vehicle, the same was dismissed by an order dated 29.03.2022 and hence, he is constrained to approach this Court.

4. The Court below, by order dated 29.03.2022, dismissed the petition filed by petitioner on the ground that Rule 5 of Rule 4 prohibits return of vehicle involved in a case registered under the Prevention of Cruelty to Animals Act, 1960, to its original owner as they are liable as a transporter and the same has to be kept as security till disposal of the case and in view of the said Rules framed by the Central Government, the Court below has refused to grant interim custody of the vehicle. The petitioner ought to have assailed

the said order by way of a revision and instead of doing so, he has come up before this Court by filing this writ petition.

5. Hence, the Writ Petition is dismissed, giving liberty to petitioner to avail the appropriate remedy available under law. No order as to costs.

6. Miscellaneous petitions, if any pending in this writ petition, shall stand dismissed.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. T KISTIAH Advocate [OPUC]
2. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
3. Two CD Copies.
4. One Spare Copy.

GB

SB

HIGH COURT

DATED:08/04/2022



ORDER

WP.No.17717 of 2022

**DISMISSING THE WP
WITHOUT COSTS.**

6
MSA
6/6/22