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

TUESDAY,THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 35884 OF 2024

Between:

Golla Mahesh, S/o Golla Chennappa Aged about 24 years Occ Business Owner of the Tractor bearing No.TS06UD4304 Trailer No. TS06UD4305 R/o H.No. 1-7, Maddur village and Mandal, Mahabubnagar district

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home, Secretariat Buildings, Hyderabad
2. The Station House Officer, Maddur P.S. Narayanpet District
3. The Tahasildar, Kothapally Mandal Narayanpet 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 a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent No.2 in seizing and detaining the Tractor bearing No.TS06UD4304 Trailer No. TS06UD4305 of the petitioner vide Crime No. 236 of 2024 is illegal, arbitrary, improper and violative of Article 14,19(1)(g) and 21 of the constitution of India and consequently direct the respondents to release the Tractor bearing No.TS06UD4304, Trailer No. TSO6UD4305 from the custody of the respondent No.2 to the Petitioner

IA NO: 1 OF 2024

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 Tractor bearing No.TS06UD4304 Trailer No. TS06UD4305 in Crime No. 236 of 2024 dated 8-12-2024 to the petitioner from the custody of the 2nd respondent pending disposal of the main writ petition

Counsel for the Petitioner: SRI. M KESHAV YADAV

Counsel for the Respondent Nos.1&2: SRI B. SRIDHAR AGP FOR HOME

Counsel for the Respondent NO.3: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.35884 OF 2024

ORDER : (ORAL)

This writ petition is filed by the petitioner seeking to declare the action of respondent No.2 - the Station House Officer, Maddur Police Station, in not releasing the petitioner's vehicle i.e., Tractor bearing No.TS-06-UD-4304 and trailer bearing No.TS-06-UD-4305 in connection with Crime No.236 of 2024 of Maddur Police Station registered under Sections 303(2) of Bharatiya Nyaya Sanhita 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 as being illegal and arbitrary.

2. Heard Mr. M. Keshav Yadav, learned counsel for the petitioner and Mr. B. Sridhar, learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, having received written instructions dated 20.12.2024 from the Sub-Inspector of Police, Maddur Police Station, submitted that the subject vehicle of the petitioner was deposited before the

learned Judicial Magistrate of First Class, Kosigi, (for short 'Trial Court') on 19.12.2024 along with Form - 60 as case property in Crime No.236 of 2024.

4. In view of the aforesaid submission of the learned Assistant Government Pleader for Home, this Court is not inclined to grant any relief to the petitioner, as the petitioner has an effective alternate remedy of approaching the Trial Court for release of the subject vehicle.

5. Accordingly, this writ petition is disposed of, granting liberty to the petitioner to file an application under 503 of Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) for release of subject vehicle. On such application being filed, the Trial Court shall dispose of the same, in accordance with law, within a period of three (3) days thereof. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Department of Home, Secretariat Buildings, Hyderabad
2. The Station House Officer, Maddur P.S. Narayanpet District
3. The Tahasildar, Kothapally Mandal Narayanpet district
4. One CC to SRI. M KESHAV YADAV Advocate [OPUC]

5. Two CCs to GP FOR HOME ,High Court for the State of Telangana. [OUT]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

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KKS
BS

CC TODAY

HIGH COURT

DATED:24/12/2024



ORDER

WP.No.35884 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

PA-
26/12/24
11 Copies