APHC010548472026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3504]

(Special Original Jurisdiction)

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 29952/2026

Between:

1. M JAYAMANI, W/O G. MUTHUVEL, AGED 40 YEARS, RESIDENT OF D.NO.13/1, 63/2, RK NAGAR, AKKAMPETTAI POST, SANKAGIRI TALUK, SALEM DISTRICT-637301, TAMIL NADU STATE.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522238.
2. THE SUPERINTENDENT OF POLICE, SRIKAKULAM DISTRICT-532001.
3. THE STATION HOUSE OFFICER, KASIBUGGA POLICE STATION, SRIKAKULAM DISTRICT532222.

...RESPONDENT(S):

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/SHO in holding my Ashok Leyland Lorry vehicle bearing No.TN-52-AH-4762 pertaining to Crime No. 332/2026, dated 03-10-2026, under Sections 125(b), 281 BNS of Kasibugga Police Station, Srikakulam District,

without following any procedure established by law, as illegal, arbitrary, and violative of the principles of natural justice and the procedure contemplated under the BNSS, apart from being a violation of Articles 14, 19(1)(g), and 300-A of the Constitution of India, and consequently direct the 3rd respondent to release the petitioner's vehicle i.e., Ashok Leyland Lorry vehicle bearing No.TN-52-AH-4762 pertaining to Crime No. 332/2026, dated 03-10-2026, under Sections 125(b), 281 BNS of Kasibugga Police Station, Srikakullm District

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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 direct the 3rd respondent to release the petitioner's vehicle i.e., Ashok Leyland Lorry vehicle bearing No.TN-52-AH-4762 pertaining to Crime No. 332/2026, dated 03-10-2026, under Sections 125(b), 281 BNS of Kasibugga Police Station, Srikakulam District, pending disposal of the above writ petition

Counsel for the Petitioner:

1. V SAI KUMAR

Counsel for the Respondent(S):

1. GP FOR HOME

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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The Court made the following Order:

The instant Writ Petition has been filed by the petitioner under Article 226 of Constitution of India seeking the following main prayer:

> *"….to issue a Writ, Order, or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent/SHO in holding my Ashok Leyland Lorry vehicle bearing No.TN-52-AH-4762 pertaining to Crime No. 332/2026, dated 03-10-2026, under Sections 125(b), 281 BNS of Kasibugga Police Station, Srikakulam District, without following any procedure established by law, as illegal, arbitrary, and violative of the principles of natural justice and the procedure contemplated under the BNSS, apart from being a violation of Articles 14, 19(1)(g), and 300-A of the Constitution of India, and consequently direct the 3rd respondent to release the petitioner's vehicle i.e., Ashok Leyland Lorry vehicle bearing No.TN-52-AH-4762 pertaining to Crime No. 332/2026, dated 03-10-2026, under Sections 125(b), 281 BNS of Kasibugga Police Station, Srikakullm District…."*

2. The substratum of the writ petition is the petitioner's claim that he is the owner and possessor of the vehicle bearing No. TN-52-AH-4762. The said vehicle appears to have been involved in an accident on 03.10.2026 within the jurisdiction of Kasibugga Police Station, Srikakulam District. Consequently, the respondent-police registered FIR in Crime

No.332 of 2026 of Kasibugga Police Station, Srikakulam District, on 03.10.2026 for the offences punishable under Sections 125(3) and 381 of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioner further submits that the subject vehicle has been in the illegal custody of the respondent-police since 03.10.2026. According to him, despite the petitioner approaching the respondent-police, no action has been taken in accordance with law. He has also placed reliance on the relevant portion of the Circular Memorandum dated 19.04.2025, issued by the Director General of Police, Andhra Pradesh, vide Rc. No. 2071/L&O-III/2024, which reads as follows:

"Attention of the Unit Officers is invited to the references cited, wherein the following instructions were issued regarding release of vehicles involved in road accidents:

"While taking action under M.V. Act in traffic accident cases against the drivers in accordance with the law, the vehicles involved in accidents should be released from the Police Station itself after inspection by MVI and verification of documents etc. The Superintendents of Police/ Commissioners of Police will be held personally responsible to ensure compliance of the instructions"

Despite the Circular Memorandum, respondent-police are not releasing the vehicle.

4. Conversely, learned Assistant Government Pleader for Home, submits that the subject vehicle is registered in the State of Tamil Nadu and that no one has approached the respondent-police with the requisite documents. However, he fairly submits that, in the event the petitioner approaches the respondent-police with all the relevant documents, respondent-police authorities will consider the same and pass appropriate orders in accordance with law, duly taking into consideration of the Circular Memorandum dated 19.04.2025 issued by the Director General of Police, Andhra Pradesh.

5. Considering the facts and circumstances of the case, the instant Writ Petition is disposed of with the following directions:

i) The petitioner is hereby directed to approach to the respondent No.3-Station House Officer within a period of ten (10) days from today with specific written representation with relevant particulars and also by duly enclosing all the requisite documents such as Registration Certificate and other prerequisite documents, etc.

ii) After receiving the said written representation from the petitioner respondent No.3-Station House Officer by duly taking into consideration of Circular Memorandum dated 19.04.2025 issued by the Director General of Police, Andhra Pradesh and pass appropriate orders within a period of seven (07) days from the date of receipt of copy of the written representation from petitioner.

There shall be no order as to costs. Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 14.10.2026
Note: Issue CC by 17.10.2026
B/o
RMR

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RMR