

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.25595 OF 2020

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in putting condition to furnish a fixed deposit receipt for Rs.4,00,000/- towards the value of the vehicle in favour of the Superintendent of Police, Anantapur for interim custody of the Maruti Swift Dzire car bearing Registration No.AP 39 AL 0694 to the petitioner, as illegal, arbitrary and violative of Articles 14, 16, 19(1)(g) and 21 of the Constitution of India and consequently direct the respondents to release the said vehicle from their custody forthwith by modifying the condition No.1 in RC.No.1177/SEB-ATP/2020, dated 25.11.2020 and pass such other order.”

Heard learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle Maruti Swift Dzire car bearing Registration No.AP 39 AL 0694 the said vehicle was seized by the 2nd respondent/Superintendent of Police, Anantapur District on the allegation that she is transporting alcohol illegally.

The 2nd respondent/Superintendent of Police, Anantapur District issued the impugned proceedings in RC.No.1177/SEB-ATP/2020, dated 25.11.2020, for release of the vehicle. The petitioner is not disputing Condition No.2, but challenging Condition No.1 of the impugned notice, which reads as follows:

“That the owner shall furnish a fixed deposit receipt (FDR) for Rs.4,00,000/- towards the value of the vehicle in favour of the Superintendent of Police, Ananthapuramu.”

The learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents further submits that the issue involved in the present Writ Petition is squarely covered by the orders of this Court in W.P.No.14783 of 2020 dated 08.09.2020, wherein this Court directed the respondents to get the vehicle valued by Motor Vehicle Inspector, concerned in the presence of the petitioner after serving a notice to the petitioner and on fixing value of the vehicle by the Motor Vehicle Inspector, the petitioner is directed to furnish immovable property security by executing a bond in favour of the third respondent, strictly adhering to the Stamp and Registration laws, as per the value fixed by the Motor Vehicle Inspector and on production of such immovable property as security, the Superintendent of Police, is directed to release the vehicle as interim custody.

In view of the submission made by both the counsel, Writ Petition is disposed of, directing the second respondent /Superintendent of Police, Anantapur District, to get the vehicle valued by Motor Vehicle Inspector concerned in the presence of the petitioner after serving a notice to the petitioner and on fixing value of the vehicle by the Motor Vehicle Inspector, the petitioner is directed to furnish immovable property security by executing a bond in favour of the second respondent, strictly adhering to the Stamp and Registration laws, as per the value fixed by the Motor

Vehicle Inspector and on production of such immovable property as security, the second respondent/Superintendent of Police, is directed to release the vehicle as interim custody. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 31.12.2020

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