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

FRIDAY ,THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION Nos.1647, 1564, 2677, 3677, 4333, 4633, 4662, 4731, 4905, 5313, 5346, 5724, 5775, 5784, 7155, 7256, 7303, 12715, 15406, 16106, 16107, 16143, 16165, 20338, 20660, 22040, 22354, 22637, 22652, 22745, 23399, 23589, 24389, 25129, 25316, 25795, 25855, 25887, 26208, 26221 AND 26274 OF 2021

WP NO: 1647 OF 2021

Between:

Prannoy Pandy, S/o Piyush Pandy Aged 30 years, Occ Private Employee, Permanent R/o H. No. 115/11, Vasant Vihar, Dehradun New Forest, Dehradun, Uttarakhan-248 006. Presently residing in Hyderabad

...PETITIONER

AND

1. The State of Telangana, Represented by its Principle Secretary, Home Department, Secretariat Buildings, Hyderabad
2. The Station House Officer, Madhapur Traffic Police Station.

...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 illegal detention of Petitioner's four wheeler vehicle bearing registration No. UK 07 BX 1802 (Tata Tiago-Expresso Brown Colour) since 16.1.2021 by the 2nd respondent Police for alleged involvement of Drunk and Drive case as being illegal, arbitrary, without any sanction of law and consequently to direct the respondents to henceforth release the vehicle in the interest of justice.

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 respondents to henceforth release the Petitioner's four wheeler vehicle bearing registration No. UK 07 BX 1802 (Tata Tiago-Expresso Brown Colour) in the interest of justice, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI. B. SHRAVANTH SANKER REP.
SRI. P SHASHI KIRAN

Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 1564 OF 2021

Between:

Mr. Mohammed Feroz, S/o Mohammed Nazeer, Age 27 yrs., Occ Driver, R/o No. 2-8-460, Sri Nagar Colony, Hanmakonda, Warangal, T.S.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad, Hyderabad.
3. Station House Officer, Madhapur Traffic Police, Cyberabad, Hyderabad.

...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 an appropriate Writ more particularly one in the nature of **Writ of Mandamus** declaring the action of the respondents, specifically the S.H.O. Madhapur Traffic Police in detaining petitioners vehicle bearing registration No TS-03-ALTR-2105, Registered No. TS-03-FA-7086, as illegal and sans any sanction of law.

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 respondents to forthwith release the Vehicle bearing registration No TS-03-ALTR-2105, Registered No. TS-03-FA-7086, to the petitioner, pending disposal of the main Writ petition.

Counsel for the Petitioner:SRI. THOMAS JOSEPH LLOYD

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 2677 OF 2021

Between:

Nekkanti Venkata Siva Rama Krishna, S/o N. Subhash Babu, Aged 52 years, Occ Business, R/o H. No. 23-304/B, Plot No. C/8, HMT Shathavahana, Opposite KPHB Colony, Satavahana Nagar, Kukatpally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principle Secretary, Home Department, Secretariat Buildings, Hyderabad
2. The Station House Officer, Kukatpally Traffic Police Station

...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 illegal detention of Petitioners four wheeler vehicle bearing registration No. TS 07 EU 6336 ((Toyota Fortuner 3.0L 4WD MT-Super White) since 31.1.2021 by the 2nd respondent Police for alleged involvement of Drunk and Drive case as being illegal, arbitrary, without any sanction of law and consequently to direct the respondents to henceforth release the vehicle in the interest of justice.

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 respondents to henceforth release the Petitioner's four wheeler vehicle bearing registration No. TS 07 EU 6336 Toyota Fortuner 3.0L 4WD MT-Super White) for interim custody in the interest of justice, pending disposal of the above Writ Petition

Counsel for the Petitioner: SRI. B. SHRAVANTH SANKER REP.
SRI. P SHASHI KIRAN

Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 3677 OF 2021

Between:

1. Ashok Kumar Chhalani, S/o. Kanahaiya Lal Chhalani, Aged about 42 years, Occ Pvt Employee, R/O. 165, Gomes Defance Colony, Jaipur, Vaishali Nagar, Rajasthan, PIN 302 021.
2. Ashwaq, S/o Shaik Mashik, Aged about 42 years, Occ Business, R/0.1-3-183/40/108/32, SBI Nagar, Gandhi Nagar, Hyderabad, Telangana State, PIN 500 082. (Owner of the Vehicle bearing No. TS09 EQ 1077)

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S.
3. The Station House Officer, Gachibowli Traffic Police Station, Indian Immunalogy colony, Gachibowli, Hyderabad, Telangana State.

...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 nature of a writ of Mandamus, declaring the action of the respondents in detaining the SPLENDOR ISMART BSIII Bearing no. TS09 EQ 1077 of the 2nd petitioner as illegal, arbitrary and unconstitutional and consequently direct the respondents to release SPLENDOR ISMART BSIII Bearing no. TS09 EQ 1077 of the 2nd 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 respondents to release SPLENDOR ISMART BSIII Bearing no. TS09 EQ 1077 of the 2nd petitioner forthwith, pending disposal of the main Writ Petition

Counsel for the Petitioners:SRI. NIKHILESH THOGARI
Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 4333 OF 2021

Between:

Mohammed Mohsin Ahmed, s/o Mohammed Yousuf Ahmed, aged about yrs Occu . Bussiness, r/o 10-2-347/B/47, Mallepally Hyderabad

...PETITIONER

AND

1. The State of Telangana, Represented by its Secretary, Home Department, Secretariat, Hyderabad-Telangana
2. The Station House Officer, Shamshabad Traffic Police Station, Shamshabad, Telangana.

...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 an order or direction more particularly one in the nature of Writ of Mandamus or any appropriate Writ declaring the action of the Respondents in not releasing the Transport Lorry of the petitioner bearing registration no AP29TA2036 and chassis no being LNR247816 and the Engine no being MNH523051, is arbitrary, illegal and violative of Article 14, 19 and 21 of the Constitution of India further prayed that the Honourable court may be pleased to direct the release of Transport Lorry of the petitioner bearing registration no AP29TA2036 and chassis no being LNR247816 and the Engine no being MNH523051, upon submission of appropriate sureties.

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 issue an order or direction to release the Transport Lorry of the petitioner bearing registration no AP29TA2036 and chassis no being LNR247816 and the Engine no being MNH523051.

Counsel for the Petitioner:SRI. K W J BOSE

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 4633 OF 2021

Between:

1. Smt. T Saritha, W/o. T Raju, Age about-40 Years, Occ. House wife, 11.No.8-4-315/25, Prem Nagar, Near Sai Apts, Erragadda, Hyderabad, Telangana - 500018.
2. Mr.Dasari Shashikanth, S/o.D Narayana,H.No-6-87, Yalal, KV.Rangareddy, Telangana - 501144.

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretary, Hyderabad, State of Telangana.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S
3. The Station House Officer, Balanagar Traffic Police, Balanagar, Cyberabad, State of Telangana.

...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 nature of a writ of Mandamus, declaring the action of the 3rd Respondent as illegal and unconstitutional and thereby sans any sanction of law and consequently direct the 3rd respondent to release the vehicle for the illegal and unlawful detention of the Two Wheeler vehicle bearing No. AP09 CU 0534 by their daily activities.

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 3rd respondents to release Petitioners Two Wheeler vehicle bearing No AP09 CU 0534 from the illegal detention, forthwith, pending disposal of the main writ petition

Counsel for the Petitioners:SRI. GANAPATHI KOLLI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 4662 OF 2021

Between:

1. Smt . D Vijayalakshmi, W/o. Devadula Suryanarayana Rao Age. 60 Years, Occ. House wife H.No.3-4-174/13, Hyderguda Rajendranagar, Rangareddy, Hyderabad -500 048.
2. Mr.Devadula Venkatesh, S/o. Devadula Suryanarayana Rao Age. 31 Years, Occ. Pvt Employee H,No.3-4-174/13, Hyderguda Rajendranagar, Rangareddy, Hyderabad -500 048.

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretary, Hyderabad, -State of Telangana.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S
3. The Station House Officer, Madhapur Traffic Police, Madhapur, Cyberabad, State of Telangana, Hyderabad - 500032

...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 nature of a **writ of Mandamus,** declaring the action of the 3rd Respondent as illegal and unconstitutional and thereby sans any sanction of law and consequently direct the 3rd respondent to release the vehicle for the illegal and unlawful detention of the vehicle bearing No. AP 28 DT 5069 by their daily activities.

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 3rd respondents to release petitioners vehicle bearing No AP 28 DT 5069 from the illegal detention, forthwith, pending disposal of the main writ petition.

Counsel for the Petitioners:SRI. GANAPATHI KOLLI
Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 4731 OF 2021

Between:

L Dhananjaiah, S/o Lakshman R Hindu, Age 45 years, Occ Business, R/o. 171, 8th Phase, Kothanur Dinne, 3 P Nagar, Bangalore, Karnataka.

...PETITIONER

AND

1. The State of Telangana, Represented by the Principal Secretary, Transport Department, Secretariat, Hyderabad.
2. The Inspector of Police, Gachibowli Traffic P.S., Cyberabad, Telangana

...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 OF MANDAMUS declaring the action of Respondents in not releasing petitioner vehicle Volkswagon Polo diesel C White colour bearing No. KA 51 MB 7571, pursuant to Challan No. Cyb13TD218758729, as illegal, irregular, arbitrary, violative of Articles 14, 21 and 300-A of Constitution of India and also Provisions of Motor Vehicles Act, 1988 and consequently direct the Respondents to release his said vehicle forthwith.

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 direct the 2nd Respondents to release Petitioners vehicle Volkswagon Polo diesel C White colour bearing No. KA 51 MB 7571 forthwith pending disposal of the main writ petition

Counsel for the Petitioner:SRI. P.V.S.K. CHAKRAVARTHY

Counsel for the Respondent No. 1: GP FOR TRANSPORT

Counsel for the Respondent No. 2: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 4905 OF 2021

Between:

Jakkani Sridhar, S/o Jakkani Sathaiah. Aged about 35 yrs occ. Service R/o H No P No. 71 Raghavendra Nagar Colony Road No.-2 Uppal Hyderabad - 500039

...PETITIONER

AND

1. The State of Telangana, rep by its secretary home At Secretariat Hyderabad
2. The Commissioner of Police, Office of the Commissioner of Police Cyberabad Sri Shyam Nagar Telecom Nagar Extension Gachibowli Hyderabad State of Telangana
3. The Station House Officer, Traffic Police Station Madhapur Cyberabad

...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 direction order or writ particularly in the nature of mandamus declaring action of respondent 3 in detaining the petitioners Car ie Light Motor vehicle without seizure panchanama on bare oral instructions of respondent no 2 as illegal bad arbitrary besides violative of fundamental rights of petitioner and principles of natural justice and consequently direct the respondents to release /return the vehicle LMV/Car bearing registration No .TS 08 GT 2824 in the office of RTA Uppal Volks Wagon make Polo model 2019 to 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 3 to release /return the vehicle LMV/Car bearing registration no .TS 08 GT 2824 in the office of RTA Uppal Volks Wagon make Polo model 2019 to the petitioner on any terms.

Counsel for the Petitioner:SRI. M PRAVEEN KUMAR
Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 5313 OF 2021

Between:

Sunder Srinivas, S/o D. Venkatrao, Aged about 39 years R/o Flat No. 82, Phase-02, Mythrinagar Street No. 6-A, Civics Centre Bhilai, Chhattirsgarh State 490 006 Presently residing at Hyderabad

...PETITIONER

AND

1. The State of Telangana, Home Department, Rep. by its Principal Secretary, Telangana Secretariat, Hyderabad 500 022.
2. The Director General of Police, Government of Telangana Saifabad, Hyderabad
3. The Commissioner of Police, Government of Telangana Cyberabad, Gachibowli, Hyderabad
4. The Additional Commissioner of Police, (Traffic)Government of Telangana Hyderabad

...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 or any other appropriate writ, declaring the action of the Respondents in detaining the Petitioners vehicle bearing registration No. HR 26 DM 3166 with Make and Model of Maruti Suzuki CIAZ as illegal,arbitrary and liable to be set aside. (ii) direct the 1st Respondent to pay a reasonable compensation for the illegal and unlawful detention of the Petitioner vehicle bearing registration No. HR 26 DM 3166 with the Make and Model of Maruti Suzuki CIAZ

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 Respondents to release the vehicle of the Petitioner bearing with registration No. HR 26 DM 3166 with the Make and Model of Maruti Suzuki C1AZ while considering the representation of the Petitioner dated 08.02.2021

Counsel for the Petitioner:SRI. G.S. PRASEN
Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 5346 OF 2021

Between:

K. Sai Rama Murthy, S/o K.V.S. Narusu, Aged about 55 years, Occ. Advocate Resident of Flat No.002(2-1-733), Manohar Apartments, O.U.Road, Vidyanagar and Flat No.201, Sai Krupa Abode, D.D.Colony, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep by it's The Principal Secretary, Home Department, Room No.502, A-Block, 5th Floor, Secretariat, Hyderabad.
2. The Director General of Police, Office of the Director General of Police, Saifabad, Hyderabad, State of Telangana.
3. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam Nagar, Telecom Nagar Extension, Gachibowli, Hyderabad, State of Telangana.
4. The Station House Officer, Gachibowli Traffic P.S, Near DLF Junction, Gachibowli, Hyderabad, Telangana State.

...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 a writ in the nature of mandamus, declaring the action of 4th respondent the S.H.O, Gachibowli Traffic PS. in detaining petitioner vehicle bearing No. TS 09 ET 5343 as illegal, arbitrary, unconstitutional and contrary to Sections 185 and 130/177 of M.V. Act of Law.

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 respondents to release petitioners vehicle bearing No.TS 09 ET 5343 from the illegal detention of Station House Officer, Gachibowli forthwith and without any further delay in time, pending disposal of the above writ petition.

Counsel for the Petitioner:SRI. V T KALYAN

Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 5724 OF 2021

Between:

1. Ganne Brahmmendrra Sai, S/o.Narsimmha rao Aged 24 years,Occ- Pvt employeee, R/o. BF-369,B-Colony, ktps palwancha, Khammam, Telangana-507115.
2. Maddineni Gopesh, S/o. Hari Hara Aged 23 years, Occu- Pvt employee, Present R/o H.no-1-2-234/46/C Arvind colony, Domalaguda Hyderabad-500029.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary Home Department Secretariat, Hyderabad
2. The Commissioner of Police, Office of the Commissioner of Police Cyberabad Sri Shyam Nagar, Telecom Nagar Extension Gachibowli Hyderabad Telangana State.
3. The Dy. Commissioner of Police, Office of the Commissioner of Police Cyberabad Sri Shyam Nagar, Telecom Nagar Extension Gachibowli Hyderabad Telangana State.
4. The Asst. Commissioner of Police, Cyberabad Traffic Police, Madhapur Traffic Division, Beside KPHB Police Station, JNTU, Hyderabad.
5. The Station House Officer, **Madhapur** Traffic Police Station , Cyberabad ,Telangana State.

(R5 C.T. is amended as per C.O. dt. 29/9/2021 in I.A. No. 2/2021.)

...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 an appropriate Writ, Order or Direction more particularly one in nature of WRIT OF MANDAMUS declaring the action of the respondent No.3 not releasing petitioner no.2 Motor Cycle Royal Enfield Vehicle bearing registration number TS09FB0540 detained under Drunken Drive Case No. TD2021- 2201TD/918, even upon production of petitioners Identity Proofs viz. Registration Certificate and Aadhar Card and other relevant documents and other relevant documents is illegal, unlawful, arbitrary, unconstitutional and against the principles of natural justice and consequently direct the respondent No.3 to release petitioner no.2 Motor Cycle Royal Enfield Vehicle bearing registration number TS09FB0540 upon production of petitioners Ideantify Proofs viz. Registration Certificate and Aadhar Card and other relevant documents and other relevant documents.

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.5 to release Motor Cycle Royal Enfield Vehicle bearing registration number TS09FB0540, upon production of Identity Proofs viz. Registration Certificate and Aadhar Card and other relevant documents pending disposal of the main Writ Petition.

Counsel for the Petitioners:MS. G JYOTHSNA DEVI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 5775 OF 2021

Between:

M. Sandeep Kumar, S/o Samson, Aged about 25 years, Occ. Private Employee,R/o H.No. 8-4-325/7, Anand Nagar, Erragadda, Balanagar, Medchal - Malkajgiri District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Director General of Police, Lakdikapul, Hyderabad.
3. The Commissioner of Police, Cyberabad Police Commissionarate, Ranga Reddy District.
4. The Station House Officer, Balanagar Traffic Police Station, Balanagar, Ranga Reddy 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 any writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent the S.H.O. Balanagar Traffic Police Station in detaining petitioner Vehicle bearing No. AP-37-CM-3408 as illegal, arbitrary, unconstitutional and contrary to Section 185 and 130/177 of M.V. Act of Law and consequently, direct the 4th respondent to release the petitioner's vehicle bearing No. AP-37-CM-3408.

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 4th respondent to release the petitioner's vehicle bearing No. AP-37-CM-3408 from the illegal detention of Station House Officer, Balanagar Traffic Police Station forthwith, pending disposal of the main writ petition.

Counsel for the Petitioner:SRI. METTU SHANKAR

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 5784 OF 2021

Between:

Ganpala Veerababu, S/o G. Nageswara Rao, Aged about 26 years, Occ.Business, R/o 18-6-278/122, Rajeevn Nagar, Rakshapuram, Falaknuma, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat Buildings, Hyderabad, Telangana.
2. The Commissioner of Police, Cyberabad Commissionerate, Ranga Reddy District.
3. The Station House Officer, Shadnagar Traffic Police Station, Cyberabad, R.R. District.
4. The Station House Officer, Nandigama Police Station, Ranga Reddy 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 Writ, Order or Direction especially one in the Nature of Writ of Mandamus declaring the action of the 3rd respondent in detaining the petitioners Articulated vehicle bearing No. TS 12 UC 0356 as illegal, arbitrary, violative of Article 19 (1) (g) of the Constitution of India and one without jurisdiction and consequently direct the 3rd respondent to forthwith release the Articulated vehicle bearing No. TS 12 UC 0356 to the petitioner on production of registration certificate of the vehicle and proof of identity.

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 3rd respondent to forthwith release the Articulated vehicle bearing No. TS 12 UC 0356 to the petitioner, pending disposal of the above writ petition.

Counsel for the Petitioner:SRI. CH RAVINDER

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 7155 OF 2021

Between:

D. Durga Prasad, S/o Satyanarayana, Aged 30 years, Occ Private Employee, R/o. H.No. 6-3-668/10/33, Durga Nagar Colony, Panjagutta, Hyderabad District.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department. Secretariat, Hyderabad.
2. The Commissioner of Police, O/o Cyberabad, Commissionerate, Telecom Nagar, Gachibowli Hyderabad.
3. The Station House Officer, Traffic Police Station, Balanagar, Cyberabad.

...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 one in the nature of mandamus, directing the action of the Respondent No. 3 in seizing the petitioner's Honda Unicorn motor cycle bearing Registration No. AP 37 DA 1904 with Chasis No ME4KO9MAH8134796, Pearl Seina Red Color, on 2702/2021, as being illegal, arbitrary and unjust, without jurisdiction and in violation of the principles of natural justice and consequently direct the respondent No.3 herein to release the petitioner's Honda Unicorn motor cycle bearing Registration No. AP 37 DA 1904

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 pass orders direct the respondent No. 3 herein to release the petitioner's Honda Unicron motor cede bearing Registration No. AP 37 DA 1901 with Chasis No. ME4KC09MAH18134796, Pearl Seina Red Color, pending disposal of the main Writ Petition, in the interest of justice.

Counsel for the Petitioner:SRI. R MANGULAL

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 7256 OF 2021

Between:

Ramavath Kishanlal, S/o. Late. Chokla, Aged 35 years, Occ - Self Employee, R/o. H.No.5-142, Gannerlapally Thanda, Chandempet, Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, O/o. Hyderabad Commissionerate, Basheerbagh, Hyderabad,
3. The Station House Officer, Traffic Police Station, Falaknuma, Hyderabad.

...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 one in the nature of mandamus, directing the action of the respondent No. 3 in seizing the petitioners Honda Activa 6-G motor cycle bearing Registration No. TS 05 FH 8004 with Chasis No. ME4JF913MLG312723, Mat Axis Gray, Metall Color, on 27/02/2021, as being illegal, arbitrary and unjust, without Jurisdiction and in violation of the principles of natural justice and consequently direct the respondent No.3 herein to release the petitioners Honda Activa 6-G Motor cycle bearing Registration No. TS 05 FH 8004.

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 pass orders direct the respondent No. 3 herein to release the petitioners Honda Activa 6-G Motor cycle bearing Registration No. TS 05 FH 8004 with Chasis No. ME4JF913MLG312723, Mat Axis Gray Metall Color, pending disposal of the main writ Petition, in the interest of justice

Counsel for the Petitioner:SRI. R MANGULAL

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 7303 OF 2021

Between:

Mr.Subba Rao Mucherla, S/o. M S N Murthy Age. 44 Years, Occ. Pvt Employee H.No.G.22, Madhura Nagar, Opp Krishnakanth Park, SR Nagar, Ameerpet, Hyderabad -500 038.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretary, Hyderabad, State of Telangana.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S
3. The Station House Officer., Madhapur Traffic Police, Madhapur, Cyberabad, State of Telangana, Hyderabad - 500032

...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 nature of a writ of Mandamus, declaring the action of the 3rd Respondent as illegal and unconstitutional and thereby sans any sanction of law and consequently direct the 3rd respondent to release the vehicle for the illegal and unlawful detention of the vehicle bearing No. TS09 EA 8293 by their daily activities.

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 3rd respondents to release petitioners vehicle bearing No TS09 EA 8293 from the illegal detention, forthwith, pending disposal of the main writ petition.

Counsel for the Petitioner:SRI. GANAPATHI KOLLI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 12715 OF 2021

Between:

Chelimela Naveen Kumar, S/o Chelimela Ramulu, Aged 23 years, Occ. Driver, R/o H.No.8-18, Weekar Section Colony, Doolapally Quthbullapur Mandal, Medchal District, Telangana State-500 055.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home, TS Secretariat buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate Gachibowli, R.R.District.
3. The Station House officer, Madhapur Traffic Police, Madhapur, Cyberabad.

...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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS (i) declaring the action of the Government of Telangna specifically the 3rd respondent (SHO Madhapur) in detaining the petitioners vehicle bearing Registration No TS08UH0536-XCRNT CRDI PRIME T BS IV (Motor Cab) seized on 5/4/2021 as illegal and sans any sanction of law ii) to direct the respondent to pay an amount of Rs. 1,00,000/- for the additional expenditure that have incurred due to unavailability of petitioners vehicle which was under the custody of SHO Madhapur P.S. iii) To direct the respondent to pay reasonable compensation for the illegal and unlawful detention of petitioner's vehicle by its public servants under the principle of Vicarious liability.

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.3 to release the Petitioners vehicle bearing Registration No TS08U1-10536-XCRNT CRDI PRIME T BS IV (Motor Cab) which was seized on 5/4/2021 pending disposal of the Writ petition.

Counsel for the Petitioner:SRI. LOKESH PHANIDRA BONTHU REP. M/S MITHRA LAW FIRM

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, LEARNED GP FOR HOME

WP NO: 15406 OF 2021

Between:

Salla Santhosh Reddy @ S .Santhosh Reddy, S/o. Alval Reddy, aged about 43 years, Owner of Goods Carriage MMV, Ashok Layland Ltd, Vehicle bearing No. TS08UE5379, R/o. H.No. 2-32, Near HanumanTemple, VTC Nagaram, Keesara, R.R.District.

...PETITIONER/OWNER OF THE VEHICLE

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, O/o. Room No 502, A-Block, 5th Floor, Secretariat, Hyderabad, State of Telangana.
2. The Assistant Commissioner of Police (Traffic), Madhapur, Cyberabad, State of Telangana.
3. The Station House Officer (Traffic), Shamshabad Traffic Police Station at Shamshabad Cyberabad, State of Telangana.

...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 an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in detaining the

Petitioner Goods Carriage MMV, Ashok Layland Ltd. Vehicle bearing No. TS0 8UE 5379 without having any right as illegal, arbitrary and gross violation of Constitution of Indiaand consequently direct the respondents to forthwith release the same to 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 respondents to release petitioners Goods Carriage MMV, Ashok Layland Ltd. Vehicle bearing No. TS 08UE 5379 forthwith to the petitioner, pending disposal of main Writ Petition

Counsel for the Petitioner:MS. C SUNITHA KUMARI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 16106 OF 2021

Between:

M/s Zoomcar India Private Limited, Office at Units 701, 7th Floor Tower-B Diamond Dist. No.150, Airport Road, Kodihalli, Bangalore Rep.by its Business Manager MSR Manoj Through his authorized person M.Kiran Kumar S/o Mallesh Aged about 35 years, Team Leader at Zoomcar, Hyderabad Branch Office at Plot No. 197, South Part 4th Floor, Guttalabegupet, Serilingampally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home, TS Secretariat buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, R.R. District.
3. The Station House Officer, Gachibowli Traffic Police, Gachibowli, Cyberabad, R.R.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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS

i) declaring the action of the respondents specifically the 3rd respondent (SHO Gachibowli Tr. PS) in detaining the petitioners vehicle Car Tata Tiago bearing No. TS07UH2139 seized on 11/3/2020 under cover of Challan as illegal and sans any sanction of law
ii) to direct the respondent to pay an amount of Rs. 5,00,000/- for the additional expenditure that have incurred due to unavailability of petitioners vehicle which was under the custody of SHO Gachibowli Tr. P.S.
iii) To direct the respondent to pay reasonable compensation for the illegal and unlawful detention of petitioners vehicle by its public servants under the principle of Vicarious liability.

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. 3 to release the petitioner's vehicle Car Tata Tiago bearing No. TS07UH2139 which was seized on 11/3/2020 basing on the challan pending disposal of the Writ petition.

Counsel for the Petitioner:SRI. LOKESH PHANIDRA BONTHU REP. M/S MITHRA LAW FIRM

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 16107 OF 2021

Between:

M/s Zoomcar India Private Limited, Office at Units 701, 7th Floor Tower-B Diamond Dist. No.150, Airport Road, Kodihalli Bangalore, Rep.by its Business Manager MSR Manoj Through his authorized person M.Kiran Kumar S/o Mallesh, Aged about 35 years, Team Leader at Zoomcar, Hyderabad Branch Office at Plot No. 197, South Part 4th Floor, Guttalabegupet, Serilingampally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home, TS Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate Gachibowli, R.R. District.
3. The Station House officer, Gachibowli Traffic Police, Gachibowli, Cyberabad, R.R.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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS

(i) declaring the action of the respondents specifically the 3rd respondent (SHO Gachibowli Tr. PS) in detaining the petitioners vehicle bearing Registration No TS07UH 1546 Maruthi Baleno Sigma BSIV Nexa Blue seized on 24/5/2019 under cover of Challan as illegal and sans any sanction of law

(ii) to direct the respondent to pay an amount of Rs. 5,00,000/- for the additional expenditure that have incurred due to unavailability of petitioners vehicle which was under the custody of SHO Gachibowli Tr. P.S.

(iii) To direct the respondent to pay reasonable compensation for the illegal and unlawful detention of petitioners vehicle by its public servants under the principle of Vicarious liability.

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. 3. to release the petitioners vehicle bearing Registration No TS07UH 1546 Maruthi Baleno Sigma BSIV Nexa Blue seized which was seized on 24/5/2019 basing on the, challan pending disposal of the Writ petition.

Counsel for the Petitioner:SRI. LOKESH PHANIDRA BONTHU REP. M/S MITHRA LAW FIRM

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 16143 OF 2021

Between:

M/s Zoomcar India Private Limited, Office at Units 701, 7th Floor Tower-B Diamond Dist. No.150, Airport Road, Kodihalli Bangalore rep.by its Business Manager MSR Manoj Through his authorized person M.Kiran Kumar S/o Mallesh Aged about 35 years, Team Leader at Zoomcar, Hyderabad Branch Office at Plot No. 197, South Part 4th Floor, Guttalabegupet, Serilingampally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home, TS Secretariat buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate Gachibowli, R.R. District.
3. The Station House Officer, Gachibowli Traffic Police, Gachibowli, Cyberabad , R.R.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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS

(i) declaring the action of the respondents specifically the 3rd respondent (SHO Gachibowli Tr. PS) in detaining the petitioners vehicle Swift Car bearing No. TS07UH4742 seized on 5/12/2019 under cover of Challan as illegal and sans any sanction of law

(ii) to direct the respondent to pay an amount of Rs. 5,00,000/- for the additional expenditure that have incurred due to unavailability of petitioners vehicle which was under the custody of SHO Gachibowli Tr. P.S.

(iii) To direct the respondent to pay reasonable compensation for the illegal and unlawful detention of petitioners vehicle by its public servants under the principle of Vicarious liability.

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. 3 to release the petitioners vehicle Swift Car bearing No. TS07UH4742 which was seized on 5/12/2019 basing on the challan pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. LOKESH PHANIDRA BONTHU REP. M/S MITHRA LAW FIRM

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 16165 OF 2021

Between:

M/s. Zoomcar India Private Limited, Office at Units 701, 7th Floor Tower-B Diamond Dist. No 150, Airport Road, Kodihalli Bangalore rep.by its Business Manager MSR Manoj Through his authorized person M.Kiran Kumar SA) Mallesh Aged about 35 years, Team Leader at Zoomcar, Hyderabad Branch Office at Plot No. 197, South Part 4th Floor, Girttalabegupet, Scrilingampally, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Department of Home, TS Secretariat buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate Gachibowli, R.R. District.
3. The Station House officer, Gachibowli Traffic Police, Gachibowli, Cyberabad , R.R.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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS (i) declaring the action of the respondents specifically the 3rd respondent (SHO Gachibowli Tr. PS) in detaining the petitioner's vehicle Swift Car hearing No. TS07.UF8540. seized on 11-2-2021 under cover of Challan as illegal and sans any sanction of law ii) to direct the respondent to pay an amount of Rs. 5,00,000/- for the additional expenditure that have incurred due to unavailability of petitioners vehicle which was under the custody of SHO Gachibowli Tr. P.S. iii) To direct the respondent to pay reasonable compensation for the illegal and unlawful detention of petitioner's vehicle by its public servants under the principle of Vicarious liability.

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. 3 to release the petitioner's vehicle Swift Car bearing No. TS07UF8540 which was seized on 11-2-2021 basing on the challan pending disposal of the Writ petition.

WP NO: 20338 OF 2021

Between:

1. S Laxmi Prasanna , D/o. S Rama Chandra Reddy, Aged about 27 years, Occ. Home Maker, R/o.20-Main Road, Rudra Varam, Konda Mayapally, Kumool, A.P. - 518 594.

   (Owner of the Vehicle)
2. Nalluri Akhil, S/o Nalluri Krishna Rao, Aged 28 Years, Occ. Private Employee, R/o 8-2-269/19/278/A, Indira nagar, Rd no.2, Behind NTR Bhavan, Banjara Hills, Hyderabad, Telangana State - 500034.

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S.
3. The Station House Officer, Madhapur Traffic Police Station, Shilpagram Craft Villay, Hightech City, Hyderabad, Telangana State.

...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 nature of a writ of Mandamus, declaring the action of the respondents in detaining the TVS Jupiter Motor Cycle, Bearing Number. ZX(BSIV) as the same is illegal, arbitrary and unconstitutional and

consequently direct the respondents to release TVS Jupiter Motor Cycle, Bearing Number:ZX(BSIV).

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 respondents to release TVS Jupiter Motor Cycle, Bearing Number. ZX(BSIV) forthwith, pending disposal of the main Writ Petition.

Counsel for the Petitioners:SRI. NIKHILESH THOGARI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 20660 OF 2021

Between:

Mohammad @ Khaja Moinuddin, S/o. Ameeruddin, aged about 39 years, Occ : Pvt. Employee R/o.H.No.1-8-449/3/19/20/A Paatigadda, Begumpet, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department Secretariat, Hyderabad.
2. The Commissioner of Police (Traffic), Hyderabad.
3. The Station House Officer (Traffic), Mahankali Traffic Police Station, Secunderabad, Hyderabad.

...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 in seizing the petitioners Motor Cycle Model : CBR250R BS-III Front Rear Disc bearing registration No.AP-10-BE-9600 on 16.03.2021 as being illegal, arbitrary, without jurisdiction or authority and in violation of principles of natural justice and consequently direct the 3rd respondent to forthwith release the above said vehicle to the petitioner on such terms and conditions.

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 respondents to forthwith release the petitioners vehicle vide bearing Registration No.AP-10-BE-9600, pending disposal of the main Writ Petition

Counsel for the Petitioner:SRI. P SHRAVAN KUMAR GOUD
Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 22040 OF 2021

Between:

1. Bhikharam Mohanlal Prajapat, S/o. Mohanlal Udaram Prajapat Aged about 27 Years, Occ- Business, R/o. 2-24 Hi Tech City Road, Guttala Begumpet, Near Sr Dig School, Madhapur, K.V. Ranga Reddy, Telangana State 500081. (**Driver**)
2. Mahendra Kumar, S/o. Hiraram, Aged about 23 Years, Occ- Business, R/o. C/o. Hariram 14-73, Annaram Road Torrur, Torrur Mandal Torrur Warangal (**Vehicle Owner**)

..PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad. T.S
3. The Station House Officer, Madhapur Traffic Police Station, Madhapur, Ranga Reddy 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent is illegal and unconstitutional and thereby sans any sanctions of laws and consequently direct 1st Respondent to return of Petitioner vehicle of the absolute owner of the petitioner vehicle bearing No. TS 26E7294 and Driving License by their public servants.

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 2nd and 3rd respondents to release the absolute owner of the petitioner vehicle bearing No. TS 26E7294, forthwith pending disposal of the main Writ Petition

Counsel for the Petitioners:SRI. SWAMY BOTLA

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 22354 OF 2021

Between:

1. Padala Mahesh, S/o. Sathaiah Aged about 24 Years, Occ. Business, R/o. Flat No. G2 9 Star Hills Shree, Road No. 17, KPR Colony, Uppalguda, Manikonda, Ranga Reddy 500089 **(Driver)**
2. Padala Srinivas, S/o. Sathaiah Aged about 30 Years, Occ. Business, R/o. Flat No. G2 9 Star Hills Shree, Road No. 17, KPR Colony, Uppalguda, Manikonda, Ranga Reddy 500089 **(Vehicle Owner)**

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad. T.S
3. The Station House Officer, Madhapur Traffic Police Station, Madhapur, Ranga Reddy 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent is illegal and unconstitutional and thereby sans any sanctions of laws and consequently direct 1st Respondent to return of my vehicle of the absolute owner of the petitioner vehicle bearing No. TS07 GC 5138 and Driving License by their public servants

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 2nd and 3rd respondents to release the absolute owner of the petitioner vehicle bearing No. TS07 GC 5138, forthwith pending disposal of the main Writ Petition

Counsel for the Petitioners:SRI. SWAMY BOTLA

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 22637 OF 2021

Between:

T.Shiva Narayana, S/o.T.Suresh Babu Aged about 31 years, Occ- Pvt. Employee R/o. Flat No.301, Venkata Ramana Apartments, H.No.2-3-364/2/2, Plot No.5, Sai Nagar Colony, Road No.6, Nagole, Hyderabad -500068

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad
2. The Commissioner of Police, Cyberabad Commissionerate, At Gachibowli, Hyderabad, T.S.
3. The Station House Officer, Shamshabad RGI Airport Traffic P.S., Shamshabad, R.R.District
4. Rudraram Srinivas, S/o.venkatalah Aged 37 years, R/o,H.No.3-20/1, Rangapeta, Manakondur Mandal, Karimnagar District, T.S. - 506469

...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 toto issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents herein more particularly respondent Nos.2 and 3 for not releasing petitioner motorcycle i.e., Pulsar AS 150, Passion Red Color bearing registration No.TS08 EM 4981, Chassis No.MD2A82DZ1FCC15070, and Engine No.JEZCFC15228 which is seized by respondent No.3, as being illegal, arbitrary and unjust and consequently direct the respondent Nos.2 and 3 herein to release the same which is seized by the respondent No.3,in the interest of justice.

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 Nos. 2 & 3 herein to release petitioner motorcycle i.e., pulsar AS 150, Passion Red Color bearing registration No.TS08 EM 498, Chassis No.MD2A82DZ1FCC15070, and Engine No. JEZCFC15228, which is seized by the respondent No.3, pending disposal of the writ petition.

Counsel for the Petitioner:SRI. PRAVEEN BONKURI

Counsel for the Respondent Nos. 1 to 3: SRI. T. SRIKANTH REDDY, GP FOR HOME

Counsel for the Respondent No. 4: NONE APPEARED

WP NO: 22652 OF 2021

Between:

1. Mukesh Sharma, S/o. Sajjan Kumar Sharma, Aged about 30 yrs, Occ. Business, H.No. 8-5-53/1, Bownpally Tirumala Giri, Secunderabad, Hyderabad, Telangana State, T.S. - 500 003.

   (Owner of the Vehicle)

2. Raj Kumar, S/o Kailash Aged 35 Yrs, Occ. Private Employee, R/o VPO, Dharevo District, Biwani, Haryana State.

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S.
3. The Station House Officer, Kukatpally Traffic Police Station, Near Metro Mall, Moosapet, Hyderabad, Telangana State.

...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 nature of a writ of Mandamus, declaring the action of the respondents in detaining the Bolero MaxiTruckplus ZWD PS BSIV, Bearing No.TS10UA 6729, as the same is illegal, arbitrary and unconstitutional and consequently direct the respondents to release Bolero MaxiTruckplus ZWD PS BSIV, Bearing No. TS10UA 6729.

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 respondents to release Bolero MaxiTruckplus ZWD PS BSIV, Bearing No. TS10UA 6729 forthwith, pending disposal of the main Writ Petition.

Counsel for the Petitioners:SRI. NIKHILESH THOGARI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, LEARNED GP FOR HOME

WP NO: 22745 OF 2021

Between:

Pulavarthi Naga Subrahmanya Manoj, S/o. Dattatreyulu, Aged about 25 years, R/o. LIG- 141, Road No. 2, Delhi Home Decors, Kukatpally Medchal Mandal Malkajgiri District Ranga Reddy, **(Driver Cum Vehicle Owner)**

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad. T.S
3. The Station House Officer, Madhapur Traffic Police Station, Madhapur Ranga Reddy 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 an appropriate Writ, Order are Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 1st respondent and illegal and unconstitutional and thereby sans any sanctions of laws and consequently direct 1st Respondent to return of petitioner vehicle of the absolute owner of the petitioner vehicle bearing No. TS 08 HP 4235 Temporary Registration No. TS 08CDTR 6163 and Driving License by their public servants.

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 2nd and 3rd to release the absolute owner of the petitioner vehicle bearing No. TS 08 HP 4235 Temporary Registration No. TS 08CDTR 6163 forthwith pending disposal of the main Writ Petition.

Counsel for the Petitioner:SRI. SWAMY BOTLA

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, LEARNED GP FOR HOME

WP NO: 23399 OF 2021

Between:

1. Kethavath Padmavathi, W/o Kethavath Krishna Age - 33 years, Occ- House Wife R/o Tellaralla Palli Thanda, Kethepally, Mahaboob Nagar, Telangana State - 509102
2. Kethavath Krishna, S/o Kethavath Ramana Age - 38 years, Occ- Business, R/o Tellaralla Pauli Thanda, Kethepally, Mahaboob Nagar, Telangana State - 509102

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary Department of Home, TS Secretariat Buildings, Hyderabad
2. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Rangareddy District
3. The Station House Officer, Madhapur Traffic Police, Madhapur, Cyberabad, Rangareddy 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 an appropriate WRIT, order or direction more particularly one in the nature of WRIT OF MANDAMUS Declaring the action of the Respondent specifically the 3rd Respondent (SHO Madhapur Traffic Police Station) in detaining the petitioner's Vehicle - MARUTI BALENO ALPHA MOTOR CAR bearing vehicle number TS08GRO408 seized on 04/09/2021 under cover of Challan without collecting the fine having ample power to collect the same under the Motor Vehicles Act, 1988 Act., as illegal and sans any sanction of law.

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.3 to release the petitioners vehicle Car Maruthi Baleno bearing No.TS08GR0408 which was seized on 04/09/2021 basing on the challan pending disposal of the Writ Petition.

Counsel for the Petitioner:SRI. LOKESH PHANIDRA BONTHU REP. M/S MITHRA LAW FIRM

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 23589 OF 2021

Between:

1. Gollamandala Hemanth Chandan Das, S/o Sarath Babu, aged 31 years, R/o D.No.408, Block 38, Malaysian Township, North Block, KPHB, Hyderabad. Repesented by Amitesh Anand, S/o P.L.Karan, aged about 40 years, occ. Self Employee, R/o Flat no.B.1203, Sunway Opus, Ameenpur, Sanga Reddy, Telangana.
2. Amitesh Anand, S/o P.L.Karan, aged about 40 years, occ. Self Employee, R/o Flat no.B.1203, Sunway Opus, Ameenpur, Sanga Reddy, Telangana.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary Department of Home, TS Secretariat Buildings, Hyderabad
2. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Rangareddy District
3. The Station House Officer, **Gachibowli** Traffic Police, **Gachibowli**, Cyberabad, Rangareddy District

(R3 C.T. is amended as per C.O. dt. 29/10/2021 in IA.No. 1/2021.)

...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 an appropriate WRIT, order or direction more particularly one in the nature of WRIT OF MANDAMUS Declaring the action of the Respondent specifically the 3rd Respondent (SHO Madhapur Traffic Police Station) in detaining the petitioners Vehicle - HONDA City 15 SMT, White Car bearing No. AP09BU4777 seized on 06.09.2021 under cover of Challan without collecting the fine having ample power to collect the same under the Motor Vehicles Act, 1988 Act., as illegal and sans any sanction of law.

Counsel for the Petitioner:SRI. LOKESH PHANIDRA BONTHU REP. M/S NYAYA MITHRA LAW FIRM

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 24389 OF 2021

Between:

Sailaja Devi, W/o. Masarapalli Vijay Bhas, Age. 35 Years, Occ. Housewife, R/o. Flat No. 301, Mariegold Block, Manasa Asishita Enclave, Upparpally, Rajendranagar, Ranga Reddy District.

...PETITIONER

AND

1. The state of Telangana, represented by its Principal Secretary to the Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Ranga Reddy District.

3. The Station House Officer, Gachibowli Traffic Police Station, Near DLF Junction, Gachibowli, Ranga Reddy 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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No. 3 in seizing car of the petitioner Car made of Mahindra KUV 100 NXT K8 MF AL, bearing number TS 07 FZ 8010, 2018 Model, even after issuing a e-challan dated. 27/09/2021, for collecting the compounding fee, riot releasing the said car, in favour of the petitioner, for no fault of the petitioner even though the respondents No. 2 and 3 are having ample powers, is nothing but arbitrary, illegal, null and void and violative of Principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India. Consequently direct the respondents No. 2 and 3 to release the Car made of Mahindra KUV 100 NXT K8 MF AL, bearing number TS 07 FZ 8010, 2018 Model, in favour of the petitioner immediately.

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 respondents No. 2 and 3, to release the Car made of Mahindra KUV 100 NXT K8 MF AL, bearing number TS 07 FZ 8010, 2018 Model, in favour of the petitioner, immediately.

Counsel for the Petitioner:SRI. K VENUMADHAV

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 25129 OF 2021

Between:

Chakali Kishore, S/o.Chakali Bagaiah, Aged about 21 years, Occ Delivery executive R/o. H.No.1-23, Desaipet, Nizamabad District, 503187.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, At Gachibowli, Hyderabad, T.S.
3. The Station House Officer, Madhapur traffic P.S., Madhapur, R.R. District.
4. Yerukala Shankar, S/o. Vittal, Aged 21 years, R/o. H.No.6-66/3, Nethaji Nagar, Pitlam Mandal, Nizamabad District, T.S. 503310

...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 an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents herein more particularly respondent Nos.2 and 3 for not releasing my motorcycle i.e., Pulsar AS 125, DTS-I BSVI E-Black with Platinum Silver decal Color bearing registration No.TS17 J 0603, Chassis No.MD2B64BX9MWB34059, Engine No. DHXWMA52476, which is seized by respondent No.3, as being illegal, arbitrary and unjust and consequently direct the

respondent Nos.2 and 3 herein to release the same which is seized by the respondent No.3,in the interest of justice.

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 Respondents 2 and 3 herein to release the Motor Cycle Pulsar AS 125, DTS-I BSVI E-Black with Platinum Silver decal Color bearing registration No.TS17 J 0603, Chassis No.MD2B64BX9MWB34059, Engine No.DHXWMA52476, to the petitioner pending disposal of main Writ Petition.

Counsel for the Petitioner:SRI. PRAVEEN BONKURI

Counsel for the Respondent Nos. 1 to 3: SRI. T. SRIKANTH REDDY, LEARNED GP FOR HOME

Counsel for the Respondent No. 4: NONE APPEARED

WP NO: 25316 OF 2021

Between:

Vinay Bhuwalka, s/o Late Shri Basu Deo Bhuwalka, Aged about 55 years, Occ-Service, R/o. H.No. 3-5-874, Flat No. 301, Trinity Towers, Hyderguda, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat, Hyderabad
2. The Commissioner of Police, Cyberabad.
3. The Deputy Commissioner of Police, Traffic, Cyberabad.
4. The Station House Office, Gachibowli Traffic Police Station, Hyderabad

...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 of Mandamus or any other appropriate writ and declare the acts of the respondents 1 to 4 as illegal, arbitrary, and violative of Art 19(1)(g) and 21of the Constitution of India and consequently direct the respondents to release the vehicle bearing the number TS09ER5200 forthwith.

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 Respondents to release the vehicle bearing the registration number TS09ER5200, pending disposal of the above writ petition.

Counsel for the Petitioner:SRI. BHARATH CHANDRA MADAS, REP.

SRI. K MUKHENDU KAUSHIK

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, LEARNED GP FOR HOME

WP NO: 25795 OF 2021

Between:

1. Mr.Thirupathi T, S/o. T Sambaiah, Aged-38 Years, Occ. Pvt. Employee, H.No.5-6-137/NS/10, Navodaya Colony, Ward No.121, Kukatpally, Hyderabad, Telangana -500 072.
2. Mr. Jadhav Nikhil Kumar, S/o. Jadhav Gunaji, Aged-26 Years, Occ. Pvt Employee, H.No.25/G, Bheempur, Narnoor, Adilabad, Andhara Pradesh - 504311

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretary, Hyderabad, State of Telangana.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S
3. The Station House Officer, Kukatpally Traffic Police, Kukatpally, Cyberabad, State of Telangana.

...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 nature of a writ of Mandamus, declaring the action of the 3rd Respondent as illegal and unconstitutional and thereby sans any sanction of law and consequently direct the 3rd respondent to release the vehicle for the illegal and unlawful detention of the Two Wheeler vehicle bearing No. AP29 BJ 8043 by their daily activities.

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 3rd respondents to release petitioners Two Wheeler vehicle bearing No AP29 BJ 8043 from the illegal detention, forthwith, pending disposal of the main writ petition

Counsel for the Petitioners:SRI. KOLLI GANAPATHI
Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

WP NO: 25855 OF 2021

Between:

1. Smt , Marri Pavani, D/o.Marri Saidulu Age. 22 Years, Occ. Student H.No.2-74, Kanchanapally, Kanchanapalle Nalgonda, Telangana -508001.
2. Mr.Thatikonda Akhil, T.Kedhari Age. 25 Years, Occ. Pvt Employee H.No.11-17/2, Shivaji Road, Narasampet, Warangal, Narsampet, Telangana -506132.

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretary, Hyderabad, State of Telangana.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S
3. The Station House Officer, Madhapur Traffic Police, Madhapur, Cyberabad, State of Telangana, Hyderabad - 500032

...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 nature of a writ of Mandamus, declaring the action of the 3rd Respondent as illegal and unconstitutional and thereby sans any sanction of law and consequently direct the 3rd respondent to release the vehicle for the illegal and unlawful detention of the vehicle bearing No. TS 05 FG 1486 by their daily activities.

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 3rd respondents to release petitioners vehicle bearing No TS 05 FG 1486 from the illegal detention, forthwith, pending disposal of the main writ petition

Counsel for the Petitioners:SRI. GANAPATHI KOLLI

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 25887 OF 2021

Between:

Vensar Projects Ltd, Represented by its General Manager, Sri Kolla Srinivas Rao S/o K Sesha Rao, Aged about 42 years, residing at Plot No. 20, Flat No. 102, Sri Chaitanya Residency, Sagar Society, Road No. 2,Banjara Hills, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Home Department, Secretariat, Hyderabad
2. The Commissioner of Police, Cyberabad.
3. The Deputy Commissioner of Police - Traffic, Cyberabad.
4. The Station House Office, Gachibowli Traffic Police Station. Hyderabad

...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 of Mandamus or any other appropriate writ and declare the acts of the respondents 1 to 4 as illegal, arbitrary, and violative of Art 19(1)(g) and 21 of the Constitution of India and consequently direct the respondents to release the vehicle bearing the number TS09FP2457 forthwith.

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 Respondents to release the vehicle bearing the registration number TS09FP2457, pending disposal of the above writ petition.

Counsel for the Petitioner:SRI. BHARATH CHANDRA MADAS, REP.

SRI. K MUKHENDU KAUSHIK

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 26208 OF 2021

Between:

1. Kummari Prabhakar, S/o. K. Veeraiah, Age. 37 years, Occ. Electrician, R/o. H No. 3-5, Lingapoor Lingapur, Medak Narayankhed Andhra Pradesh. **(Vehicle Owner).**
2. Nemilla Mahesh, S/o. Nemilla Narayana, Aged about 24 Years, Occ. Electrician, R/o.H No. 6-69, Masanpally, Kalher Mandal, Masanpally, Medak, Medak District **(Vehicle Driver)**

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad. T.S
3. The Station House Officer, Gachibowli Traffic Police Station, Gachibowli, Ranga Reddy 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent and illegal and unconstitutional and thereby sans any sanctions of laws and consequently direct 1st Respondent to return of my vehicle of the absolute owner of the petitioner vehicle bearing No. TS 08 FU 7268 ,and Driving License by their public servants.

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 2nd and 3rd to release the absolute owner of the petitioner vehicle bearing No. TS 08 FU 7268 forthwith pending disposal of the main Writ Petition.

Counsel for the Petitioners:SRI. SWAMY BOTLA

Counsel for the Respondents: SRI. T. SRIKANTH REDDY, GP FOR HOME

WP NO: 26221 OF 2021

Between:

Telugu Krishna, S/o. Telugu Kasimanna, aged about 58 years, occ. employee, r/o. H. No. 2-264, Panchalingala Village, Kurnool District, Andhra Pradesh-518004.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, O/o. Cyberabad Commissionerate, Telecom Nagar, Gachibowli, Hyderabad.
3. The Station House Officer, Traffic Police Station, Gachibowli, Cyberabad.

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declaring the action of the respondent No. 3 in seizing the petitioners Mahindra XUV300 W6 DS BS6 Car bearing Registration No. AP 39 GU 5476 on 15/10/2021, as being illegal, arbitrary and unjust, without jurisdiction and in violation of the principles of natural justice and consequently direct the respondent No.3 herein to release the petitioners Mahindra XUV300 W6 DS BS6 Car bearing Registration No. AP 39 GU 5476,

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 pass orders direct the respondent No. 3 herein to release the petitioners Mahindra XUV300 W6 DS BS6 Car bearing Registration No. AP 39 GU 5476, pending disposal of the main Writ Petition, in the interest of justice and to pass

Counsel for the Petitioner:SRI. BHARATH CHANDRA MADAS
Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
LEARNED GP FOR HOME

WP NO: 26274 OF 2021

Between:

1. Mr.Hanumanth Boya, S/o.Boya Venkata ramudu Age about. 35 Years. Occ. Pvt Employee H.No,15-25-577/HUT, R.N0.3, Telephone, Exchange, KPHB Colony, Kukatpally, Medchal, M-Giri -500072
2. Mr.T Suri, S/o. T.Ramanjaneyulu Age. 22 Years. Occ. Pvt Employee H.No.Shop No.11, Mastana Appartment, Bhagya Nagar Colony, Tirumalagiri, Hyderabad, Telangana -500072.

...PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary, Home Department, Secretary, Hyderabad, State of Telangana.
2. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S
3. The Station House Officer, Madhapur Traffic Police, Madhapur, Cyberabad, State of Telangana, Hyderabad - 500032

...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 nature of a writ of Mandamus, declaring the action of the 3rd Respondent as illegal and unconstitutional and thereby sans any sanction of law and consequently direct the 3rd respondent to release the vehicle for the illegal and unlawful detention of the vehicle bearing No. TS 08 UH 3114 by their daily activities.

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 3rd respondents to release petitioner's vehicle bearing No TS 08 UH 3114 from the illegal detention, forthwith, pending disposal of the main writ petition.

Counsel for the Petitioners:SRI. GANAPATHI KOLLI
Counsel for the Respondents: SRI. T. SRIKANTH REDDY,
GP FOR HOME

The Court made the following:

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION Nos.1647, 1564, 2677, 3677, 4333, 4633, 4662, 4731, 4905, 5313, 5346, 5724, 5775, 5784, 7155, 7256, 7303, 12715, 15406, 16106, 16107, 16143, 16165, 20338, 20660, 22040, 22354, 22637, 22652, 22745, 23399, 23589, 24389, 25129, 25316, 25795, 25855, 25887, 26208, 26221 AND 26274 OF 2021

COMMON ORDER:

Heard Mr. B. Shravanth Sanker, learned counsel representing Mr. P. Shashi Kiran, Mr. Thomas Joseph Lloyd, Mr. Nikhilesh Thogari, Mr. K.W.J. Bose, Mr. Ganapathi Kolli, Mr.P.V.S.K. Chakravarthy, Mr. M. Praveen Kumar, Mr. G.S. Prasen, Mr. V.T. Kalyan, Ms. G. Jyothsna Devi, Mr. Mettu Shankar, Ch. Ravinder, Mr. R. Mangulal, Mr. Lokesh Phanidra Bonthu representing M/s. Mithra Law Firm, Ms. C. Sunitha Kumari, Mr.P. Shravan Kumar Goud, Mr. Swamy Botla, Praveen Bonkuri, Mr. Kandadi Mahender Reddy and Mr. K. Venu Madhav, Mr. K. Mukhendu Kaushik and Mr. Bharath Chandra Madas, learned counsel appearing on behalf of the respective petitioners, and Mr. T. Srikanth Reddy, learned Government Pleader for Home appearing on behalf of the respondents.

2. The challenge, in this entire batch of writ petitions, is to the power of Police Officers to seize the vehicle from its driver/ rider, who is in an intoxicated condition.

3. The learned counsel appearing on behalf of their respective petitioners have made their submissions extensively. The learned Government Pleader for Home has also made submissions referring to various provisions of the Motor Vehicles Act, 1988 (for short 'Act,

1988'), the Indian Penal Code, 1860 (for short 'IPC') and the law laid down by this Court etc.

4. **COMMON CONTENTIONS OF THE PETITIONERS**:

i) The police have no power to seize the vehicle from its drivers/riders who are in an intoxicated condition. Moreover, the Police Officers are detaining the vehicles for days together and not releasing the same even after producing certificate of registration, identity proof and driving licenses etc. On account of the same, owners of the vehicles are suffering. Thus, the said act on the part of the Police is illegal.

ii) Mr. Sravanth Shankar, learned counsel representing Mr. P. Shashi Kiran, learned counsel for the petitioner in W.P. No.1647 of 2021, filed a compilation consisting of arguments in brief, list of dates, relevant provisions of law and copies of relevant judgments. He has extensively argued referring to various provisions of the M.V. Act.

iii) Referring to Sections 185B, 207 and 19 (f) and 216 of the Central Motor vehicles Rules, Mr. Ch. Ravinder, learned counsel, would submit that the police have no power to detain the vehicles seized from the person who drives it in an intoxication condition. Mr. Prasad Kandadi also supplemented the said submissions.

5. **CONTENTIONS ON BEHALF OF RESPONDENTS**:

i) Mr. T. Srikanth Reddy, learned Government Pleader for Home would submit that Section - 185 of the Act, 1988 deals with driving of a vehicle by a drunken person or by a person under the influence of drugs,

and according to the said provision, whoever, while driving, or attempting to drive, a motor vehicle, has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyzer, or is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for the first offence with an imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

ii) According to him, once the Police Officer finds a person driving the vehicle in an intoxication condition and there is no other person to drive the vehicle, police are seizing the vehicle and releasing the same either to the owner of the vehicle or his/her authorized person on producing proper proof of identification and valid driving license. Thus, according to him, Section - 185 of the Act, 1988, is only an enabling provision which the police are invoking.

iii) Referring to Section - 206 (4) of the Motor Vehicles Amendment Act, 2019 (for short 'Amendment Act, 2019'), the learned Government Pleader would submit that Section - 206 deals with the power of police officer to impound the document, and as per sub-Section (4) of Section - 206 of the Amendment Act, 2019, a police officer or other person authorized in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of Sections - 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving license held by such driver and forward it to

the licensing authority for disqualification or revocation proceedings under section 19, provided that the person seizing the license shall give to the person surrendering the license a temporary acknowledgement therefor, but such acknowledgement shall not authorize the holder to drive until the license has been returned to him.

iv) Referring to Section - 207 (1) of the Act, 1988, the learned Government Pleader would contend that the Police Officer has the power to seize and detain the vehicles used without certificate of registration, permit, etc.

v) The learned Government Pleader would also contend that the Police Officer has the power to arrest without warrant. However, he would fairly submit that Police Officers do not have the power to detain or seize a vehicle from a person who drives it in an intoxicated condition. According to him, the provisions under the M.V. Act, 1988 are enabling provisions. The police officers are detaining the vehicles from persons driving them in an intoxicated condition as there is no other person to drive the vehicle with valid license and without being intoxicated.

vi) According to the learned Government Pleader, as per the directions of this Court and the Hon'ble Supreme Court, the police authorities have been taking all necessary steps to decrease the death rates caused on account of accidents while driving the vehicles in an intoxicated condition. The vehicles are being detained in public interest and are being kept in proper places including nearest Traffic Police Stations for safe custody. In view of the same, there is no intention on

the part of the police to harass the petitioners by detaining their vehicles as alleged.

vii) With the said contentions, the learned Government Pleader sought to dismiss the writ petitions by issuing necessary directions keeping in view the safety of citizens.

6. ANALYSIS AND FINDING OF THE COURT:

i) In view of the aforesaid rival submissions, to decide the *lis* in the present batch of writ petitions, it is apt to refer to certain provisions of the Act, 1988, the Telangana Motor Vehicles Rules, 1989 and the Central Motor Vehicles Rules, 1989, which are as under:

MOTOR VEHCILES ACT, 1988

Section - 3. Necessity for driving licence.—

(1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle; and no person shall so drive a transport vehicle [other than a motor cab or motor cycle] hired for his own use or rented under any scheme made under sub-section (2) of section 75 unless his driving licence specifically entitles him so to do.—

(1) x x x x x

(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instructions in driving a motor vehicle shall be such as may be prescribed by the Central Government."

"Section - 4. Age limit in connection with driving of motor vehicles.—

(1) No person under the age of eighteen years shall drive a motor vehicle in any public place:

Provided that a motor cycle with engine capacity not exceeding 50cc may be driven in a public place by a person after attaining the age of sixteen years.

(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.

(3) No learner's licence or driving licence shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section."

"Section - 19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence.—

(1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he—

(a) to (e) x x x x x

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

"**Section - 39. Necessity for registration.** No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner: Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government."

"Section - 66. Necessity for permits.—

(1) No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorising him the use of the vehicle in that place in the manner in which the vehicle is being used:

Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage:

Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a goods carriage either when carrying passengers or not:

Provided also that a goods carriage permit shall, subject to any conditions that may be specified in the permit, authorise the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

Provided also that where a transport vehicle has been issued an permit or permits, as well as a licence under this Act, such vehicle may be used either under the permit, or permits, so issued to it, or under such licence, at the discretion of the vehicle owner.

(2) xxxxx

(3) xxxxx

(4) xxxxx"

Section - 185. Driving by a drunken person or by a person under the influence of drugs.-Whoever, while driving, or attempting to drive, a motor vehicle,-

(a) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a

breath analyser or in any other test including a laboratory test, or

(b) is under this influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle,

shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine of ten thousand rupees, or with both; and for a second or subsequent offence, with imprisonment for a term which may extend to two years, or with fine of fifteen thousand rupees, or with both."

"**Section - 202. Power to arrest without warrant.—**

(1) A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 184 or section 185 or section 197:

Provided that any person so arrested in connection with an offence punishable under section 185 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 203 and 204 by a registered medical practitioner failing which he shall be released from custody.

(2) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to give his name and address.

(3) A police officer arresting without warrant the driver of a motor vehicle shall if the circumstances so require take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle."

"**Section 203. Breath tests.—**

(1) xxxxx

(2) xxxxx

(3) If it appears to a police officer in uniform, in consequence of a breath test carried out by him on any person under sub-section (1) or sub-section (2) that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient."

"Section -206. Power of police officer to impound document.—

(1) xxxxx

(2) xxxxx

(3) A police officer or other person seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgment therefor and such acknowledgment shall authorise the holder to drive until the licence has been returned to him or until such date as may be specified by the police officer or other person in the acknowledgment whichever is earlier:

Provided that if any Magistrate, police officer or other person authorised by the State Government in this behalf is, on an application made to him, satisfied that the licence cannot be, or has not been, returned to the holder thereof before the date specified in the acknowledgment for any reason for which the holder is not responsible, the Magistrate, police officer or other person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgment.

(4) A police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of sections 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving licence

held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under section 19.

Provided that the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him."

It is relevant to note that this was brought into existence by way of an amendment Act 32 of 2019 w.e.f. 01.09.2019.

"Section 207. Power to detain vehicles used without certificate of registration permit, etc.

(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by sub-section (1) of section 66 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:

Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 66 he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof.

(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or

any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose."

THE CENTRAL MOTOR VEHICLES RULES, 1989

"Rule - 21. Powers of licencing authority to disqualify.-

(1) to (15) xxxxx

(16) Driving vehicle while under the influence of drink or drugs."

TELANGANA STATE MOTOR VEHICLES RULES, 1989

"Rule - 448. Powers to detain vehicles:- Officer of the Transport Department not below the rank of Assistant Motor Vehicles Inspector and every Police Officer not below the rank of Circle Inspector of Police are authorised to exercise powers under Section 207."

"Rule - 448-A. Procedure of seizing and detaining a Motor Vehicle :- When a motor vehicle is seized and detained by any officer referred to Rule in 448, he shall take the following steps :-

(i) arrangements shall be made for temporary safe custody of the motor vehicle in the nearest Police Station or at any appropriate place;

(ii) the fact of seizure and detention shall be informed without delay to the Secretary, Regional Transport Authority of the region and the Secretary, Regional Transport Authority of the region to which the motor vehicle belongs;

(iii) the officer who seized and detained the motor vehicle may release the vehicle of the offence for which it is seized and detained are compounded under Section

200 under intimation to the Secretaries of Regional Transport Authorities mentioned in Clause (ii);

(iv) where prosecution of the driver or owner or both is necessary, charge sheets against them shall be filed before the concerned Magistrate within three days from the date of seizure and the motor vehicle shall be released by the Officer who detained it after the prosecution is completed under intimation to Secretaries of Regional Transport Authorities mentioned in Clause (iii);

(v) Mahazar of the vehicles is to be carried out notifying its condition of each tyre fitted and parts which are easily removable, replaceable and tamperable, viz., batteries, fuel-pump, Dynamo, Deferential, engine, extra lights etc. and loose parts, Stepney tyres and tools and a copy of it is to be delivered to the person from whom it is seized, duly signed."

"448-B. Release of seized and detained vehicles :-

(1) An application for release of a vehicle seized and detained under sub-section (1) of Section 207 shall be in the form of a memorandum in duplicate with relevant documents duly enclosing a fee of rupees twenty five.

(2) The Secretary, Regional Transport Authority, of the Region shall be entertain application for release of vehicles seized and detained by his subordinate officers;

Provided that application shall be made to the Deputy Transport Commissioner in the case of check made by the Secretary, Regional Transport Authority in the cadre of Regional Transport Officer and the Transport Commissioner, if the Secretary, Regional Transport Authority is of the Deputy Transport Commissioner or Joint Transport Commissioner."

ii) In view of the above, as pert Section - 185 (b) of the Act, 1988 whoever, while driving, or attempting to drive, a motor vehicle, is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, is punishable. Therefore, driving a vehicle in an intoxicated condition is an offence. Thus, a person in an intoxicated condition is barred from driving a vehicle.

iii) As per Section - 202 (1) of the Act, 1988, a police officer in uniform may arrest any person without a warrant who in his presence commits an offence punishable under Section - 184 or Section - 185 or Section - 197. As per sub-section (2) of Section 202 a police officer in uniform may arrest any person without warrant who has committed an offence under the Act, 1988 if such person refuses to give his name and address. As per sub-section - 3 of Section 202 of the Act, a police officer arresting the driver of a motor vehicle without a warrant shall if the circumstances so require take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle. Therefore, if the police officer finds a person driving the vehicle in an intoxicated condition and if he/she considers that such person is not capable of driving the vehicle under such condition, he/she may detain or take steps for the temporary disposal of the vehicle. In other words, the police officer has the power to detain / seize the vehicle and keep the same in safe custody till the owner of the vehicle or his/her authorized person approaches the police officer with a valid driving license, identity proof and certificate of registration.

iv) As per section - 206 (3) of the Act, 1988, a police officer arresting the driver of a motor vehicle without a warrant shall if the circumstances so required take or cause to be taken any steps he may consider appropriate for the temporary disposal of the vehicle. As per Section - 207 (1) of the Act, 1988, any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of Section - 3 or Section - 4 or Section - 39 or without the permit required under sub-section (1) of Section - 66 or in contravention or any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he/she may consider proper for the temporary safe custody of the vehicle.

v) Section - 3 of the Act, 1988, deals with the necessity of holding a driving licence. Section - 4 of the Act, 1988 deals with the age limit in connection with driving of motor vehicles. Section - 39 deals with the necessity for registration of motor vehicles. Section - 66 of the Act, 1988, deals with the necessity for obtaining permits. Therefore, the Police Officer or any other person authorized by the State Government may arrest or detain the vehicle on the ground that driver of the vehicle does not have a driving license, is under age, vehicle is without a certificate of registration and driving was without valid permit. Thus, as per Section - 207 of the Act, 1988, the Police Officer does not have the

power to detain/seize the vehicle on the ground that the driver/rider of the vehicle is found in an intoxicated condition.

vi) Section - 19 of the Act, 1988 deals with the power of licensing authority to disqualify a person from holding a driving licence or revoke such licence, and as per sub-section (1) (f), a driving license can be cancelled or revoked by the authority if a person has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act. Therefore, as per the said sub-section, there is no power vested in the Police Officer to detain or seize the vehicle on the ground that the driver/rider of the vehicle is found in an intoxicated condition.

vii) Rule - 21 of the Central Motor Vehicles Rules, 1989 deals with powers of licensing authority to disqualify, and as per sub-rule (16), licensing authority has the power to disqualify a person driving vehicle while under the influence of drink or drugs. Therefore, as per the said rule also, the Police Officer or Licensing Authority does not have the power to seize/detain the vehicle on the ground that the person driving the vehicle was in intoxicated condition.

viii) Rule - 448 of the T.S. Motor Vehicles Rules, 1989 deals with the powers to detain vehicles, and as per which, Officer of the Transport Department not below the rank of Assistant Motor Vehicles Inspector and every Police Officer not below the rank of Circle Inspector of Police are authorised to exercise powers under Section - 207. Rule - 448-A of

the said Rules deals with procedure of seizing and detaining a Motor Vehicle. As per sub-rule - (iv) of Rule - 448-A when a motor vehicle is seized and detained by any officer referred to Rule - 448, he/she shall take steps where prosecution of the driver or owner or both is necessary, charge sheets against them shall be filed before the concerned Magistrate within three days from the date of seizure and the motor vehicle shall be released by the Officer who detained it after the prosecution is completed under intimation to Secretaries of Regional Transport Authorities mentioned in Clause - (iii). Rule - 448-B deals with the release of the seized and detained vehicles. Thus, as per Rule - 448A of the Rules, Assistant Motor Vehicles Inspector and every Police Officer not below the rank of Circle Inspector of Police are authorized to exercise powers under Section - 207. As per rule - 448-A(iv), duty cast upon the Officer to file charge sheets within three days from the date of seizure and the motor vehicle shall be released by the Officer who detained it after the prosecution is completed.

ix) The above said provisions would reveal that the Police Officers do not have the power to detain/seize the vehicles on the ground that the person driving the vehicle was found in an intoxicated condition. However, the said provisions are enabling provisions. For instance, a person drives the vehicle alone and Police Officer finds him in an intoxicated condition and that such person is unable to drive the vehicle, then the Police Officer has the power to seize the certificate of registration and can detain/seize the vehicle and keep it in a nearest

police station/appropriate place for safe custody. At the same time, it is the duty of the Police Officer to release the said vehicle either to the owner or to any authorized person who is not in drunken condition and who is in a position to drive the vehicle and holds a valid license. If there are two persons present in the car, the person driving the vehicle found in an intoxicated condition and the other person has a valid driving license and is found not in intoxicated condition and in a position to drive the vehicle, then the police shall not seize/detain the vehicle and permit the other person to drive the vehicle. The intention of the Legislature is to reduce the accidents and deaths that may be caused due to driving of vehicles in intoxicated condition, and it is not the intention to harass the owners of the vehicles by detaining the vehicles for days together. Therefore, the police officers have to strictly follow the said law and the provisions of the Act.

x) The Police Officers do not have the power to detain/seize the vehicles under Sections - 19 (1) (f), 185, 206, 207 of the Act, 1988 and Rule - 21 (16) of the Central Rules. They have to release the vehicle in terms of Rule - 448A of the T.S. Motor Vehicles Rules, 1989.

xi) It is relevant to note that the Apex Court by considering the steep increase in the accidents and deaths due to driving of vehicles by the drivers in intoxication condition has issued several directives in **S. Rajaseekaran v. Union of India**[1].

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1. (2018) 13 SCC 516

xii) A Division Bench of Madras High Court had also an occasion to deal with the seizure of vehicles on drunk and drive in **Manikandan v. P. Palani**[2] and gave certain directions including a direction that the police shall seize/take custody of the vehicles of drunk drivers as per Section - 202 (3) of Motor Vehicles Act. As stated above, Section - 202 (3) of the Act, 1988 deals with disposal of vehicle by Police Officer arresting a person without warrant the driver of a motor vehicle shall if the circumstances so require. But, as per the said provision, there is no power vested in the Police Officer to detain / seize the vehicle on the ground that the driver of the vehicle is found in intoxicated condition.

xiii) During the course of arguments, it was brought to the notice of this Court that learned Magistrates are not receiving the charge sheets filed within three (03) days from the date of seizure and that they are returning the same on flimsy grounds. It was also brought to the notice of this Court that on the instructions of the DCP (Traffic), Cyberabad, the Police Officers are not releasing the vehicles despite orders of this Court and also despite production of original certificate of registration (RC) and valid license.

xiv) An interesting issue was brought to the notice of this Court during the course of arguments that during review meetings, the Senior Officials of the State are building up pressure on the officials of the Prohibition & Excise Department, Telangana State, to collect more revenue by sale of liquor. At the same time, the Senior Officials of the

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[2] Judgement in C.M.A. No.470 of 2018 decided on 12.03.2020

Police Department, during the review meetings, are building up pressure on their Officials to collect more revenue through 'drunk & drive' by imposing challans. Thus, the State is building up pressure on both the Departments to collect more revenue by way of sale of liquor as well as imposition of challans during 'drunk & drive'. The said approach of the State is not appreciable. In view of the same, it is apt to refer to the observations made by the Hon'ble Supreme Court in paragraph Nos.21, 22 and 23 in **P.N. Kaushal v. Union of India**[3], which is as under:

> "21. George Bernard Shaw, a provocative teetotaller, used tart words of trite wisdom.
>
> "If a natural choice between drunkenness and sobriety were possible, I would leave the people free to choose. But then I see an enormous capitalistic organisation pushing drink under people's noses of every corner and pocketing the price while leaving me and others to pay the colossal damages, then I am prepared to smash that organisation and make it as easy for a poor man to stay sober, if he wants to as it is for his dog."
>
> Alcohol robs you of that last inch of efficiency that makes the difference between first-rate and second-rate.
>
> I don't drink beer-first, because I don't like it; and second, because my profession is one that obliges me to keep in
> critical training, and beer is fatal both to training and to criticism.
> only teetotallers can produce the best and sanest of which they are capable.

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3. (1978) 3 SCC 558

> Drinking is the chloroform that enables the poor to endure the painful operation of living.
>
> It is in the last degree disgraceful that a man cannot pro vide his own genuine courage and high spirits without drink.
>
> I should be utterly ashamed if my soul had shrivelled up to such an extent that I had to go out and drink a whisky. (Report of the study Team on Prohibition Vo..1 p.346)

22. The constitutional test of reasonableness, built into Art. 19 and of arbitrariness implicit in Art. 14, has a relativist touch. We have to view the impact of alcohol and temperance on a given society; and for us, the degree of constitutional restriction and the strategy of meaningful enforcement will naturally depend on the Third World setting, the ethos of our people, the economic compulsions of today and of human tomorrow. Societal realities shape social justice. While the universal evil in alcohol has been indicated the particularly pernicious consequence of the drink evil in India may be useful to R r remember while scanning the. rationale of an Indian temperance measure. Nearly four decades ago, Gandhiji, articulating the inarticulate millions' well- being, wrote:

> The most that tea and coffee can do is to cause a little extra expense, but one of the most greatly felt evils of the British Rule is the importation of alcohol.. that enemy of mankind, that curse of civilisation-in some form or an other. The measure of the evil wrought by this borrowed habit will be properly gauged by the reader when he is told that the enemy has spread throughout the length and breadth of India, in spite of the

religious prohibition for even the touch of a bottle containing alcohol pollutes the Mohammedan, according to his religion, and the religion of the Hindu strictly prohibits the use of alcohol in any form whatever, and yet alas ! the Government, it seems, instead of stopping, is aiding and abetting the spread of alcohol. The poor there, as everywhere, are the greatest sufferers. It is they who spend what little they earn in buying alcohol instead of buying good food and other necessaries It is that wretched poor man who has to starve his family, who has to break the sacred trust of looking after his children, if any, in order to drink himself into misery and premature death. Here be it said to the credit of Mr. Caine, the ex-Member for Barrow, that, he undaunted, is still carrying on his admirable crusade against the spread of the evil, but what can the energy of one man, however, powerful, do against the inaction of an apathetic and dormant Government. (The Collected Works of Mahatma Gandhi pp.29-30)"

23. Parenthetically speaking, many of these thoughts may well be regarded by Gandhians as an indictment of governmental policy even to-day."

(Emphasis supplied)

xv) It is also apt to refer 'sayings' of Famous Men with regard to the prohibition, which is as under:

20. In this country, great value is attached to the sayings of great men. Their sayings can be collected and can form the basis of education. A few illustrations will not be without interest. The educators will be well advised to collect such saying as they are bound to appeal to almost every body.

Dr. Adam Clark

"In the bottle, discontent seeks for comfort; cowardice for courage; bashfulness for confidence; sadness for joy; and all find ruin."

Sir Andrew dark

"As I looked at the hospital wards today and saw that seven out of ten owed their diseases to alcohol, I could but lament that the teaching about this question was not more direct, more decisive, more home-thrusting than ever it had been. Can I say to you any words stronger than these? It is when I myself think of all this that I am disposed to give up everything and to go forth upon a Holy Crusade, preachig to all men."

Thomas Edison

"Thomas Edison, the great inventor had a firm faith in a saloon-less country and an alcohol-freed world."

Maharma Gandhi

"If I ever have an opportunity to rule India, in my first half hour I will close up all the toddy shops without compensation.

And I am much more against cigar and cigarettes than against drink. But do not make the mistake that between drink and tobacco, drink is a lesser evil. No. If cigarette is Beelzebub, then drink is Satan.

I hold drink to be more damnable than thieving and perhaps even prostitution. Is it not often the parent to both I ask you to join the country in sweeping out of existence the drink revenue and abolishing the liquor shops.

Let me, therefore, re-declare my faith in undiluted prohibition before I land myself in deeper water. if I was appointed dictator for one hour for all India, the first thing I would do would be to close without compensation all the liquor shops, destroy all the toddy palms such as I know them in Gujarat, compel factory owners to produce humane conditions for their workmen and open refreshment and recreation rooms where these workmen would get innocent drinks and equally innocent amusements. I would close down the factories if the owners pleaded for want of funds."

Grant

"Give me the sober man, the absolute teetotaller every time. He is dependable. If I had the greatest appointive powers in the country, no man would get even the smallest appointment from me unless he showed proof of his absolute teetotalism. If I could, by offering my body a sacrifice, I'd thank the Almighty for the privilege of doing it."

Abraham Lincoln

> "Whereas the use of intoxicating liquor as a beverage is productive of pauperism, degradation and crime, and believing it is our duty to discourage that which produces more evil than good, we, therefore, pledge ourselves to abstain from the use of intoxicating liquor as a beverage.
>
> The use of alcohol beverages has any defenders but no defence. Lincoln in his famous Washington's birthday address said:
>
> > "Whether or not the world would be vastly benefited by a total and final banishment from it of all intoxicating drinks seems to me not now an open question. Three-fourths of mankind confess the affirmative with their lips, and I believe all the rest acknowledge it in their hearts'.
>
> (Emphasis Supplied)

xvi) In view of the above, it is the fundamental duty of the citizens to take all precautions to avoid road accidents and deaths and also to follow the guidelines issued by the State and the Central Governments from time to time on 'road safety'.

7. **CONCLUSION**:

i) This Court has previously held that under the M.V. Act, the Police Officers do not have power to take custody of the vehicle driven under intoxicated condition and directed the authorities / officials who have custody of the vehicle in question to release the same on production of certificate of registration relating to the said vehicle and on production of proof of identity and also a valid driving license.

ii) In view of the above said discussion and the relevant provisions and also considering the principle laid down by the Apex Court as well as this Court, this Court is of the considered view that the following directions are required to be issued to the Police Authorities to be followed:

(a) If the driver / rider of the vehicle is found under the influence of Alcohol, he/she should not be allowed to drive the vehicle. However, if the police finds other person accompanying the driver/rider not in intoxicated condition and having a valid driving license, shall permit such person to drive the vehicle without seizing/ detaining the vehicle, subject to Section - 202 of the M.V. Act, 1988;

(b) If there is no other person other than the person who drives the vehicle in an intoxicated condition, then the concerned Police Officer or the intoxicated driver shall immediately inform any nearest relative or friend to take back the custody of the vehicle;

(c) If no one comes to take back the custody of the vehicle, then the concerned Police Official shall temporarily take possession of the vehicle, and keep the vehicle in a nearest police station or any other appropriate authorized place for safe custody. However, it is made clear that the Police do not have power to detain / seize vehicle on the ground that its driver/rider drove it in an intoxicated condition.

(d) The Police or any other Official who has the custody of such vehicle shall release the same either to the owner or any authorized person on production of certificate of registration (RC) of the said vehicle, proof of identity and a valid driving license;

(e) If the concerned Police come to a conclusion that prosecution of driver or owner or both is necessary, he shall file charge sheet against him/them before the concerned Magistrate within three (03) days from the date of seizure of vehicle. The vehicle shall be released by the Officer who detained it after prosecution is completed under intimation to the concerned Regional Transport Authorities;

(f) Learned Magistrates are directed to receive the charge sheets within three (03) days from the date of seizure in compliance of Rule - 448-A (iv) of the Telangana State Motor Vehicles Rules, 1989 if the charge sheets are otherwise in order.

(g) The Police Officers of the State are directed to strictly follow the procedure laid down under Rule - 448-A of the T.S. Motor Vehicles Rules, 1989.

(h) If no one claims the custody of vehicle, the police shall take necessary steps in accordance with law;

(i) Any breach of the above directives will amount to Contempt and necessary proceedings will be initiated against the concerned Police.

iii) With the above directions, this batch of Writ Petitions is disposed of.

iv) However, in the circumstances of the case, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the writ petitions shall stand closed.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One fair copy to the Hon'ble Sri Justice K. LAKSHMAN
(for His Lordships Kind Perusal)

To

1. The Registrar(Judicial) High Court of Telangana at Hyderabad.
2. The Principal Secretary, State of Telangana, Home Department, Secretariat Buildings, Hyderabad
3. The Station House Officer, Madhapur Traffic Police Station Madhapur Cyberabad
4. The Station House Officer, Kukatpally Traffic Police Station
5. The Commissioner of Police, Office of the Commissioner of Police, Cyberabad, Sri Shyam Nagar, Telecom Nagar Extension Gachibowli, Hyderabad, T.S.
6. The Station House Officer, Gachibowli Traffic Police Station, Indian Immunalogy colony, Gachibowli, Hyderabad, Telangana State.
7. The Station House Officer, Shamshabad Traffic Police Station, Shamshabad, Telangana.
8. The Station House Officer, Balanagar Traffic Police, Balanagar, Cyberabad, State of Telangana.
9. The Director General of Police, Government of Telangana Saifabad, Hyderabad
10. The Commissioner of Police, Government of Telangana Cyberabad, Gachibowli, Hyderabad
11. The Additional Commissioner of Police, (Traffic- Government of Telangana Hyderabad
12. The Asst. Commissioner of Police, Cyberabad Traffic Police, Madhapur Traffic Division, Beside KPHB Police Station, JNTU, Hyderabad.
13. The Director General of Police, Lakdikapul, Hyderabad.
14. The Station House Officer, Nandigama Police Station, Ranga Reddy District.
15. The Station House Officer, Traffic Police Station, Falaknuma, Hyderabad.
16. The Assistant Commissioner of Police (Traffic), Madhapur, Cyberabad, State of Telangana.
17. The Commissioner of Police (Traffic), Hyderabad
18. The Station House Officer (Traffic), Mahankali Traffic Police Station, Secunderabad, Hyderabad.
19. The Station House Officer, Shamshabad RGI Airport Traffic P.S., Shamshabad, R.R.District
20. The Station House Officer, Kukatpally Traffic Police Station, Near Metro Mall, Moosapet, Hyderabad, Telangana State.
21. The Deputy Commissioner of Police, - Traffic, Cyberabad
22. 11 L.R. Copies.
23. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
24. The Secretary, Advocates, Association Library High Court Buildings, Hyderabad.
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28. One CC to Sri. K.W.J.Bose, Advocate [OPUC]
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30. One CC to Sri.P.V.S.K. Chakravarthy, Advocate [OPUC]

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45. One CC to Sri.Bharat Chandra Madas, Advocate [OPUC]
46. Two C Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
47. Two C Two CCs to GP for Transport , High Court for the State of Telangana. [OUT]
48. The Principal Secretary, Transport Department Secretariat, Hyderabad
49. One CC to Kolli Ganapathi, Advocate (OPUC)
50. Two CD Copies.
51. One Spare Copy.

PM

HIGH COURT

DATED:29/10/2021

COMMON ORDER

WP Nos.1647, 1564, 2677, 3677, 4333, 4633, 4662, 4731, 4905, 5313, 5346, 5724, 5775, 5784, 7155, 7256, 7303, 12715, 15406, 16106, 16107, 16143, 16165, 20338, 20660, 22040, 22354, 22637, 22652, 22745, 23399, 23589, 24389, 25129, 25316, 25795, 25855, 25887, 26208, 26221 & 26274 of 2021

Disposing of the WP's
Without costs.