

[3239]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE K SURESH REDDY
WRIT PETITION NO: 2905 OF 2023**

Between:

Boreddy Purushotham Reddy, S/o. Venkata Reddy, Aged about 33 years, R/o. Guvvalakuntla, Veerapuram, Kothapalle Mandal, Kurnool District.

Petitioner

AND

1. The State of AP, Rep. by its its Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur District.
2. The Station House Officer, Kothapalle P.S., Kurnool District,
3. The Authorized Officer, HDB Financial Services, Regd. Office Radhika, 2nd Floor, Law Garden Road, Navarangpura, Ahmedabad, Gujarat - 380 009.
4. M .Venkatanagi Reddy, S/o.M.Lakshmi Reddy, R/o.H.No.4-55, Singaraju Palle, Pedda Gummadapuram Village, Kothapalle Mandal, Kurnool District.

Respondent/s

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate Writ, Order or direction, preferably a Writ in the nature of Mandamus, declaring the impugned action of the 2nd respondent in seizing the vehicle bearing JCB No.AP-21 BS 0282 on 27.01.2023 on alleged letter of the 3rd respondent is illegal, arbitrary, unconstitutional, violative of Article-14, and 300A of the Constitution of India and consequently direct the respondents to follow due process of Law .

IA NO: 1 OF 2023

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 respondent to release the vehicle bearing JCB No.AP-21 BS 0282 seized on 27.01.2023, Pending disposal of WP 2905 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of Sri K SAIRAM MURTHY Advocate for the Petitioner and of GP FOR HOME for the Respondent Nos. 1 and 2, the Court made the following

ORDER

“Learned counsel for the petitioner submits that respondent No. 4 purchased a vehicle, i.e. JCB bearing registration No. AP 21 BS 0282, by

obtaining vehicle loan of Rs.23,90,000/- from HBD Financial Services, Kurnool Branch, during September, 2016, agreeing to repay the same in 49 equal monthly installments @ Rs.67,140/ per installment; that the loan was disbursed on 22-09-2016 and the petitioner was the guarantor for the said loan; that for some time, respondent No. 4 paid installments and subsequently, he became defaulter; that thereafter, the petitioner, who was guarantor, took the subject vehicle from respondent No. 4 and has been paying the installments to HBD Financial Services, Kurnool Branch, regularly and that while so, respondent No. 2, at the instance of respondent No. 3, seized the subject vehicle on 27-01-2023. Impugning the said action of respondent No. 2, the petitioner filed the present writ petition.

Learned Assistant Government Pleader, on instructions, states that respondent No. 2 never seized the vehicle and that respondent No. 2 only assisted respondent No. 3 in seizing the vehicle as per the orders passed by learned Judge Bench XIII, City Civil Court, Calcutta, in Miscellaneous Case No. 7270 of 2022 dated 29-12-2022.

In that view of the matter, respondent No. 3 is directed not to create any third party interest over the subject vehicle, i.e. JCB bearing registration No. AP 21 BS 0282, until further orders.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No. 4 by registered post with acknowledgement due and file proof of service into the Registry.

Post on 01-03-2023.”

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Home Department, Secretariat, Velagapudi, Guntur District.
2. The Station House Officer, Kothapalle P.S., Kurnool District.
3. The Authorized Officer, HDB Financial Services, Regd. Office Radhika, 2nd Floor, Law Garden Road, Navarangpura, Ahmedabad, Gujarat - 380 009.

4. M .Venkatanagi Reddy, S/o.M.Lakshmi Reddy, R/o.H.No.4-55, Singaraju
Palle, Pedda Gummadapuram Village, Kothapalle Mandal, Kurnool
District. (Addressess 1 to 4 by RPAD)
5. One CC to SRI. K SAIRAM MURTHY Advocate [OPUC]
6. Two CCs to GP FOR HOME ,High Court Of Andhra Pradesh. [OUT]
7. One spare copy.

psk

HIGH COURT

KSRJ

DATED:09/02/2023

POST ON 01.03.2023

ORDER

WP.No.2905 of 2023

DIRECTION

