

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE EIGHTEENTH DAY OF OCTOBER TWO THOUSAND AND
TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 25489 OF 2013

Between:

1. Kandi Sujatha W/o. K.Ram Reddy, Occ housewife, R/o.H.No.3-135/2, Employees Colony, Yapral Village, Malkajgiri Mandal, Ranga Reddy District.
2. Kandi Ram Reddy S/o. Late K.Narasimha Reddy & Narsimha, Occ Agriculturist, R/o.H.No.3-135/2, Employees Colony, Yapral Village, Malkajgiri Mandal, Ranga Reddy District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by the Principal Secretary, Home, Secretariat, Hyderabad.
2. The State of Andhra Pradesh, Rep. by the Commissioner of Police, Cyberabad, Gachi Bowli, Cyberabad.
3. The Station House Officer, Kushaiguda Police Station, Cyberabad.
4. Bharat Karamchandani S/o Late B.C.Karamchandani, Occ Bank Manager, R/o. 302, Span Residency, 3rd Floor, Opp. Blood Bank, Narayanaguda, Hyderabad.
5. L.Venkat Reddy S/o. Vittal Reddy, Occ Business, R/o.8-30/6, Yapral Village, Malkajgiri Mandal, 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 a writ of mandamus, any other appropriate writ order or direction declaring the action of respondents more particularly that of respondent No.3 in not restoring the Tractor of the petitioner No.1 bearing Registration No.ABB 2945 in the condition in which it was seized on 21-10-2012 in connection with Cr.No.687 of 2012 is questioned in this writ petition as being arbitrary, illegal, violative of Articles 14, 19 (1) g, and 21 of Constitution of India and consequently direct the respondent No.3 to restore the Tractor bearing Registration No. ABB 2945 to the petitioner No.1 in which condition it was seized in connection with Cr.No.687 of 2012;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI VIJAY B PAROPAKARI Advocate for the Petitioners and GP FOR HOME for the Respondents 1 to 3, the Court made the following.

ORDER:

It is the case of the petitioners that the petitioner No.1's Tractor bearing Registration No.ABB 2945 was seized on 21.10.2012 in connection with Crime No.287 of 2012 and was produced before the concerned Magistrate vide

C.P.R.No.86 of 2013. It is the further case of the petitioners that petitioner No.2 filed an application before the Judicial First Class Magistrate, Malkajgiri, seeking release of the said vehicle stating that the said vehicle was given to the police for safe custody. However, the said vehicle was not released so far stating that the same is not in the police custody.

In view of the peculiar circumstances of the case, respondent No.3 is directed to appear in-person on 15.11.2023 and explain the reasons for not producing the said vehicle before the concerned Magistrate.

List on 15.11.2023.

In the meanwhile, learned Assistant Government Pleader for Home shall file counter-affidavit.

//TRUE COPY//

SD/- G.SIREESHA
ASSISTANT REGISTRAR

6/2023

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Malkajgiri.
2. The Station House Officer, Kushaiguda Police Station, Cyberabad. (by RPAD)
3. One CC to SRI. VIJAY B PAROPAKARI Advocate [OPUC]
4. Two CCs to GP FOR HOME, High Court at Hyderabad. [OUT]
5. One spare copy

HIGH COURT

CVBRJ

DATED:18/10/2023

POST ON 15-11-2023

ORDER

WP.No.25489 of 2013

DIRECTION

