

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2572 of 2015

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ORDER

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

2. Petitioner's vehicle, namely, truck and trolley bearing Nos.TS04 DR 6674 and TS0 4UA 1252 respectively, is stated to have been involved in Cr.No.631/2014/P & Ex/A2. Petitioner states that the said vehicle was directed to be released by the learned

I Additional Judicial Magistrate of First Class, Kothagudem vide orders dated 09.10.2014. However, the Deputy Commissioner of Prohibition and Excise, Khammam, passed confiscation order on 17.11.2014 and aggrieved thereby, the petitioner states that he has filed an appeal before the 4th respondent on 14.01.2015 along with an application seeking release of the said vehicle. Petitioner further states that though the said appeal is numbered, the application for release of the vehicle has not been taken up and decided, and as such the seizure of the vehicle would result in serious loss to him. He also submits that the said vehicle is not under use and the battery, machinery and electronic equipment etc., would get affected and would get beyond repairs. Hence, pending consideration of the appeal, there may be a direction to the 4th respondent to dispose of the application for release of vehicle made in the said appeal.

3. In the facts and circumstances of the case, since the petitioner's appeal is seized of by the 4th respondent, it is just and appropriate to dispose of the Writ Petition by directing the 4th respondent to consider the petitioner's appeal and/or the application for release of vehicle expeditiously and pass appropriate orders thereon, preferably, within a period of four weeks from the date of receipt of a copy of this order.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V. AFZULPURKAR, J

10th February, 2015
sj