

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.32021 of 2015

ORDER:

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The grievance of the petitioner was with regard to the action of the Deputy Commissioner, Prohibition and Excise, Mahabubnagar, in seizing his auto rickshaw bearing registration No.TS06 DTR 9246.

The Sub-Inspector of Police/Station House Officer, Kalwakurthy Police Station, Mahabubnagar District, filed a counter-affidavit stating that the petitioner's auto was apprehended on 02.08.2015 while it was carrying 20 bags (50 kgs. each) of black jaggery, 3 bags (50 kgs. each) of alum and 2 bags (20 kgs. each) of Ammonium Chloride pellets. The petitioner was himself driving the vehicle at that time and stated certain facts basing on which Crime No.157 of 2015 was registered under Section 34(e) of the A.P. Excise Act, 1968, and Sections 3 and 4(iii) of the GUR (Regulation of Use) Orders, 1968. The auto along with the material seized were stated to be in the custody of the police station. The Sub-Inspector/Station House Officer further stated that as no release orders have been passed by the Prohibition and Excise authorities, the vehicle was still kept at the police station.

Ms. Vidyullatha, learned counsel representing Mr. P. Venkata Rao, learned counsel for the petitioner, stated that the petitioner submitted a representation on 03.11.2015 to the third respondent seeking release of his seized auto. The representation produced evidences receipt thereof by the Deputy Commissioner of Prohibition and Excise, Mahabubnagar, vide his stamp affixed thereon.

As the petitioner has now approached the competent authority for release of his vehicle, this Court sees no reason to entertain this writ petition and adjudicate the same on merits.

The writ petition is accordingly disposed of directing the Deputy Commissioner of Prohibition and Excise, Mahabubnagar District, the third respondent, to consider the petitioner's representation in accordance with law and take appropriate action in the matter thereupon. This exercise shall be completed expeditiously and in any event, not later than one week from the date of receipt of a

copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

7th November, 2015

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