

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY THE TWENTYSIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 34525 OF 2015

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Between:

Chevan Indhal ... Petitioner

Vs.

The State of Telangana
Represented by its Prl. Secretary,
Dept. of Prohibition & Excise,
Secretariat Buildings,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri A. Jagan

Counsel for the Respondents: GP for Prohibition & Edcise
[TS]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 34525 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of the respondents in seizing the petitioner’s Auto bearing No. TS-01-UA-7916 as illegal, arbitrary and violation of principles of natural justice and fundamental rights guaranteed under the Constitution of India and consequently to direct the respondents to release the Auto bearing No. TS-01-UA-7916 [Passenger Auto] to the petitioner forth with and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri A. Jagan, learned counsel for the petitioner and the learned Government Pleader for respondents.

3. According to the petitioner, he is the owner of Auto bearing No. TS-01-UA-7916 and the same was entrusted to his driver to run for transportation of passengers. It is further stated that the driver without the knowledge of the petitioner committed offence under section 34 of A.P. Excise Act. It is also the case of the petitioner herein that the petitioner had no knowledge of the same. It is also the case of the petitioner that the third respondent without conducting proper enquiry seized the vehicle on 28/9/2015

and handed over the same to the second respondent for safe custody. It is also averred in the affidavit for release of the vehicle, the petitioner herein approached the second and third respondents and requested for release of the vehicle but the second respondent did not consider the said request made by the petitioner herein. During the course of arguments, it is stated by the learned counsel for the petitioner that the petitioner will approach the second respondent with necessary application and the same may be directed to be considered in accordance with law. The said request is not opposed by the learned Government Pleader for Prohibition and Excise.

4. For the aforesaid reasons, the writ petition is disposed of, keeping it open for the petitioner to make an application to the Deputy Commissioner of Prohibition and Excise, Adilabad for release of the vehicle within a period of one week from the date of receipt of a copy of this order. If any such application is filed by the petitioner herein, the same may be considered and appropriate orders be passed within a period of three weeks thereafter. No costs.

5. As a sequel, miscellaneous petitions if any, pending in

this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

26/10/2015
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NB: CC tomorrow

HONOURABLE SRI JUSTICE A.V. SETHA SAI

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