

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.42083 of 2015

ORDER:

The petitioner is aggrieved by the action of the respondent authorities in not releasing the stock of black Jaggery seized on 25.06.2015 in relation to Crime No.373 of 2015-16 on the file of Station House Officer, Prohibition & Excise Station, Chitalapudi, West Godavari District.

Admittedly, a confiscation order was passed on 21.10.2015 by the Deputy Commissioner of Prohibition & Excise, West Godavari District, Eluru, in relation to the seized stock. The petitioner claims that an appeal was preferred against the said order in November, 2015, before the Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad. Therein, he also sought release of the seized stock pending the disposal of the appeal. As the petitioner has already availed the statutory appellate remedy, it is for the appellate authority to apply its mind and deal with the petitioner's contentions against the confiscation order.

The writ petition is accordingly disposed of directing the appellate authority, the Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad, to consider and pass appropriate orders, be it in the stay application filed by the petitioner in the pending appeal or dispose of the main appeal itself expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order. In the event no appeal has been filed by the petitioner, this order shall have no effect.

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

SANJAY KUMAR, J

Date:28.12.2015

Note: Furnish C.C. in two days.

(B/o) GJ