

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

MAIN CASE W.P.NO:22522 of 2015

Between:

G. Shankar

.. Petitioner(s)

And

The State of Telangana and others

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 21.7.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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| 1. Whether Reporters of Local news papers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.22522 of 2015

O R D E R:

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

“ The Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in nature of Writ of Mandamus declaring the action of the 2nd respondent in not releasing the auto bearing No.AP.36-TA-6510 seized by the 4th respondent in crime No.144 of 2014, pending the disposal of the appeal, and also to declare the action of the 4th respondent in seizing auto bearing No.AP.36-TA-6510 in Crime No.144 of 2014 as the same is illegal, arbitrary, without jurisdiction and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Heard Sri A.Prabhakar Rao, learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The Deputy Commissioner of Prohibition and Excise, Warangal, Warangal District, 3rd respondent herein, passed an order dated 31.3.2015 in Cr.No.113/2015/P&E/B4 ordering confiscation of the vehicle Auto bearing No. AP 36-TA-6510 along with contraband i.e. 600 kgs of Black Jaggery and 50 kgs of Alum in exercise of powers under Section 13(2) of the A.P. Prohibition Act, 1995 and Section 46(2) of the A.P. Excise Act, 1968. As against the said order of confiscation, the petitioner herein preferred a statutory appeal before the Commissioner of Prohibition & Excise, State of Telangana, Hyderabad, 2nd respondent herein under Section 63(2) read with Section 46(c) of the A.P. Excise Act 1968, on 4.7.2015. Along with the said appeal, the petitioner herein also filed an interlocutory application for release of the Auto bearing No. AP 36-TA-6510 together with 600 kgs of black Joggery and 50 kgs of Alum seized under crime No.144/2014 dated 8.1.2014. The said appeal is pending consideration before the 2nd respondent herein.

It is submitted by the learned counsel for the petitioner that no orders have been passed either on the said appeal or in the interlocutory application filed by the petitioner herein. It is also submitted by the learned counsel for the petitioner that the said seized vehicle is kept in the police station and the same is getting damaged day by day.

Taking into consideration the totality of the circumstances and having regard to the nature of controversy, this Court is of the considered opinion that ends of justice would be met if a direction is given to the 2nd respondent to dispose of the interlocutory application filed by the petitioner on 4.7.2015 by fixing a time frame.

For the aforesaid reasons, the writ petition is disposed of directing the 2nd respondent to pass appropriate orders on the interlocutory application filed by the petitioner herein seeking release of vehicle together with 600 kgs of Black Joggery and 50 kgs of Alum, within a period of one week from the date of receipt of copy of this order. The 2nd respondent shall also make endeavour to dispose of the main appeal also as expeditiously as possible. As a sequel thereto, miscellaneous applications, if any pending in the writ petition, shall stand closed. There shall be no order as to cost.

A.V.SESHA SAI, J

Date:21.7.2015
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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.22522 of 2015

21.7.2015