

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.18851 of 2015

Order :

The vehicle of the petitioner bearing registration No. AP 28CB-7704 was seized on the ground that it was found involved in Crime No.61 of 2014. The present writ petition is directed against the order dated 04.08.2014 passed by the Deputy Commissioner, Prohibition and Excise, Karimnagar, the 1st respondent herein, directing confiscation of the said vehicle. It is stated that the said order of the Deputy Commissioner dated 4.08.2014 was appealed, and by order dated 6.11.2014, the Commissioner of Prohibition and Excise dismissed the said appeal.

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

Keeping in view the fact that the petitioner's vehicle was found involved in the offence and power of confiscation was exercised by the Deputy Commissioner and the same was confirmed by the Commissioner, and in view of the well settled decisions of the Supreme Court as well as this Court which were referred to in the orders passed by the Commissioner, the order of confiscation does not merit interference. However, keeping in view the alternative request of the learned counsel for the petitioner, the petitioner can be permitted to deposit the value of the said vehicle in lieu of confiscation, as similar issue has already been considered by this Court in W.P.No.1920 of 2015 dated 11.02.2015.

Hence, the writ petition is disposed of directing respondents to get the value of the subject vehicle assessed through the Motor Vehicle Inspector concerned within their jurisdiction and, on ascertaining the value of the vehicle, grant two weeks time to the

petitioner to deposit the said value with the 1st respondent and if the petitioner complies with the order as to deposit, the vehicle may be released by appropriating the value in lieu of confiscation. If any amount is paid by the petitioner during pendency of these proceedings, including at the stage of interim release of the vehicle, the same shall be given credit to while receiving the value of the vehicle. In the event of the petitioner failing to deposit the amount as directed above, the 1st respondent is free to proceed further for recovery of the value of the subject vehicle by auctioning the vehicle. The respondents shall therefore act in accordance with the directions given above.

Accordingly, the writ petition is disposed of. No order as to costs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA

SAI

Dt: 25.6.2015

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Issue cc by tomorrow

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