

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

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.169 OF 2015

-
DATED: 17-03-2015

Between:

Vijayanand Road Lines Ltd.

.. Appellant

And

The Station House Officer,
Prohibition & Excise Station,
Saroornagar, R.R. District and others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL NO.169 of 2015

-
JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This appeal, by the petitioner in W.P.No.15486 of 2007, calls in question the order dated 03.09.2014 passed by the learned Judge dismissing the said writ petition.

The issue that falls for consideration in this matter is whether the order dated 05.06.2007 passed by the Commissioner of Prohibition and Excise, Ranga Reddy Division, upholding the proceedings dated 16.06.2006 of the Deputy Commissioner of Prohibition and Excise, Ranga Reddy Division, whereby confiscation of the seized Ashok Leyland vehicle bearing No.AP 09V 9147 belonging to the appellant/writ petitioner was directed, on the ground that the said vehicle was involved in an excise offence is lawful or not. Admittedly, the subject vehicle was released on the appellant/writ petitioner furnishing a bank guarantee for the sum of Rs.5,00,000/- earlier. The validity of the said bank guarantee appears to have expired in the year 2004 and was not renewed thereafter. However, Sri Mohd. Ghulam Hussain, learned counsel for the appellant/writ petitioner, states that the custody of the subject vehicle is still with his client and that no action has been taken by the respondent authorities despite passing of the confiscation order as long back as in the year 2006.

In that view of the matter, we are of the opinion that the dispute requires to be given quietus at this stage instead of prolonging the matter further by subjecting the appellant/writ

petitioner to a further statutory appeal.

Given the peculiar facts and circumstances of this case, we direct the appellant/writ petitioner to deposit the sum of Rs.5,00,000/- (Rupees five lakhs only) with the second respondent within four weeks from the date of receipt of a copy of this order. Upon such deposit being made, the confiscation order dated 16.06.2006 passed by the Deputy Commissioner of Prohibition and Excise, Ranga Reddy Division, confirmed in appeal by the Commissioner of Prohibition and Excise, Ranga Reddy Division, on 05.06.2007 shall stand set aside. This order is being passed in view of the fact that the confiscation order has not been given effect to for all these years and this order shall not be treated as a precedent, as no principle of law has been decided.

The writ appeal is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

17-03-2015

Note: Issue C.C. in two days.

B/o Svv

(112)

HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

-

—

WRIT APPELLANT NO.169 of 2015

17-03-2015