

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

Writ Petition No.15507 of 2015

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the order of the 1st respondent vide his proceedings in CR No.3887/2014/CPE/TS/D1, dated 12.02.2015 for order of confiscation of the petitioner's Vehicle Tata Ace bearing No.AP-25X 3719 which arises out of order of Confiscation of the petitioner's above vehicle by the 2nd respondent dated 06.11.2014 vide his proceedings CR. No.B/91/2014/DCM dated 06.11.2014 which is arbitrary, bad, illegal, unconstitutional and contrary to the procedures laid down under AP Excise Act, 1968 consequently, set aside the above orders in the interest of Justice and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

Heard Sri Kuriti Bhaskara Rao, learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise, apart from perusing the material available on record.

It is brought to the notice of this Court that the subject matter of the writ petition is squarely covered by the order of this Court in writ petition No.3173 of 2015, dated 13.02.2015 and a copy of the same is also placed on record.

Following the above order of this Court and for the reasons recorded therein, the writ petition is disposed of in the following manner:

- i. The Deputy Commissioner of Prohibition and Excise shall get the value of the vehicle assessed through the Motor Vehicles Inspector within his jurisdiction and notify the petitioner to deposit the said value, within a period of two weeks;
- ii. the petitioner is permitted to deposit the value of the vehicle, and on such deposit, respondents 2 and 3 shall release the vehicle in his favour in lieu of confiscation;
- iii. the amount, if any, paid by the petitioner for the purpose of seeking

interim release of the vehicle shall be given credit to while receiving the value of the vehicle;

- iv. in the event of default of the petitioner in depositing the value as is assessed as per the directions above, respondents 2 and 3 shall be free to proceed further with proceedings of auction of the said vehicle and then take further steps in accordance with law;
- v. pending exercise as directed above, any proceedings for auction of the said vehicle shall remain stayed.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

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A.V. SESA SAI, J

Date: 09.06.2015

Note: Issue CC in two days.

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