

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3874 of 2015

BETWEEN

Muda Ramulu

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, Department of Home, A.P. Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

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

2. Petitioner states that he is owner of Tata Ace bearing No.AP-36TA-9616, which he claims to have purchased on finance by hypothecation with the Bank. On the ground that the said vehicle was found involved in an offence under A.P.Prohibition and Excise Act, a case in crime No.3 of 2014 was registered on 13.01.2014 and pending the said crime, petitioner's vehicle was released on interim custody as per the order of this court in W.P.No.9559 of 2014 subject to condition of producing fixed deposit receipt for Rs.50,000/-. Subsequently, the Deputy Commissioner of

Prohibition & Excise, respondent No.3,

has issued confiscation proceedings dated 29.10.2014 directing confiscation of the vehicle of the petitioner by forfeiting the FDR amount of Rs.50,000/- deposited by him at the time of interim release. Against the said order of the Deputy Commissioner, petitioner preferred an appeal before the Commissioner of Excise, which has since been dismissed under the impugned order dated 06.01.2015. Present writ petition, therefore, questions the aforesaid order.

3. After hearing the learned counsel for the petitioner and learned Government Pleader for Excise, I do not find any infirmity in the orders passed by the Deputy Commissioner as well as the Commissioner, particularly, as the said orders are based upon the ratio of various decisions of this court as well as the Hon'ble Supreme Court and the legal position is correctly appreciated by both the authorities. Hence, the order as to confiscation does not warrant any interference by this court. However, learned counsel for the petitioner alternatively submits that since his livelihood depends upon the said vehicle, he may be permitted to deposit the value in lieu of confiscation. The alternative contention of the learned counsel for the petitioner appears reasonable inasmuch as the respondents would get the value of the vehicle, which even otherwise they will have to secure by auctioning the vehicle.

4. In the circumstances, therefore, instead of directing the said confiscated vehicle to be auctioned, I deem it appropriate to dispose of the writ petition with the following directions:

1. Respondent No.3 shall get the value of the vehicle assessed through the Motor Vehicle Inspector within his jurisdiction and on ascertaining the value of the vehicle, permit the petitioner to deposit the said value within a period of two weeks.
2. Petitioner is permitted to deposit the said value, as assessed by the Motor Vehicle Inspector, within the time stipulated by respondent No.3 and on such deposit, the vehicle shall be released and the amount so deposited shall be forfeited in lieu of confiscation. The amounts, if any, claimed by the petitioner at the time of interim release of the vehicle would be given credit to the amounts to be

deposited as per the assessed value as above.

3. In default of petitioner complying with the aforesaid conditions, respondent No.3 shall be free to proceed with auctioning of the vehicle in accordance with law.
4. In view of the above directions, any auction of the said vehicle contemplated shall remain stayed.

With the above directions, this writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 20, 2015

Note: -

Furnish copy by 24.02.2015.

{B/o} LMV