

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

WRIT PETITION NO.38559 OF 2015

DATED 1st DECEMBER, 2015

Between:

Gourishetty Srinivas .. Petitioner

and

The State of Telangana, rep. by its

Principal Secretary, Revenue (Excise)

Department and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.38559 OF 2015

ORDER

The prayer in this writ petition is in the following terms:

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or

Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned order passed by the 2nd respondent dt.8-9-2015 in Cr.No.2464/2015/CPE/TS/D1 upholding the orders passed by the 3rd respondent dt.9.3.2015 passed in Cr.No.140/15/C&E/ Ex/A3 as being illegal, arbitrary and unjust and consequently set aside the same, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.'

Heard Sri Babuji Tenneti, learned counsel for the petitioner, and learned Government Pleader for Prohibition and Excise.

It is brought to the notice of this Court that the issue arising in this writ petition fell for consideration before this Court earlier in W.P.Nos.3173 of 2015 and 15480 of 2015 and the decisions rendered therein would cover the issue. A copy of the order dated 09.06.2015 passed in W.P.No.15480 of 2015 is placed on record.

In terms thereof, the writ petition is disposed of with the following directions:

1. The Deputy Commissioner of Prohibition and Excise, Karimnagar, shall get the value of the vehicle assessed through the Motor Vehicles Inspector within his jurisdiction and notify the petitioner who shall deposit the said amount within a period of two weeks;
2. Upon such deposit, the Deputy Commissioner of Prohibition and Excise, Karimnagar, shall release the vehicle into the custody of the petitioner;
3. 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 value;
4. In the event of default by the petitioner in depositing the value as assessed, the Deputy Commissioner of Prohibition and Excise, Karimnagar, shall be at liberty to auction the vehicle and take further steps in accordance with law;
5. Pending the exercise as directed above, any proceedings initiated for auction of the said vehicle shall remain stayed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

1st DECEMBER, 2015

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