

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

WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1120 of 2015

BETWEEN

K.V.Ramanaiah

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner had taken a godown on rent at H.No.9-118, Pinjari Street, Kurnool District. While petitioner was doing business, the stock of Black Jaggery was seized from the petitioner's aforesaid godown and a case in crime No.103 of 2010 was registered against the petitioner for the offence under Section 13(2) of the A.P.Excise Act, 1968, which was subsequently converted into C.C.No.419 of 2012 before the Judicial Magistrate of First Class for Prohibition and Excise, Kurnool. After elaborate trial, the petitioner was acquitted of the charges under judgment of the said court, dated 01.02.2013. Petitioner thereafter approached respondent No.3 seeking release of the stock seized. However, the said request was not considered

by respondent No.3, as by then, he has already confiscated the said stock. Petitioner has, therefore, alternatively requested respondent No.3 to remove the confiscated bags as per the confiscation order, dated 28.03.2011 so as to enable him to use godown for this purpose. However, no action was taken on the said request.

3. Learned counsel for the petitioner now submits that the said godown has since been sold by the owner to some third party and the said third party is insisting the petitioner to vacate the premises. Since the seized stock is still lying in the godown, petitioner is not able to vacate the same and handover the godown to the third party. Hence, approached this court with the present writ petition.

4. Learned government pleader, who has taken instructions from the Deputy Commissioner of Prohibition and Excise, Kurnool, states that the Commissioner has already required the Inspector of Police, Kurnool I Town to take a sample of the Black Jaggery from the seized stock and get a latest chemical analysis report.

5. Evidently, the seized stock is confiscated by the respondents. Hence, it is for respondent No.3 to remove the said seized stock and then take appropriate action either for auction of the same or for destroying the same depending upon the report of the chemical analysis. In any case, the action required to be taken against the confiscated stock is entirely for respondent No.3 to decide, as the petitioner has no grievance with regard to the said confiscated stock. Petitioner only seeks that the said stock be removed from the godown and vacate the same as per his requirement. While respondent No.3 is at liberty to take appropriate steps with regard to the said seized stock in accordance with law, it is imperative that respondent No.3 also takes appropriate steps to remove the confiscated stock from the godown of the petitioner. I am not, therefore, able to find any justification for continuing the confiscated stock in the petitioner's premises as it will enure loss to the petitioner.

6. Hence, the writ petition is disposed of directing respondent No.3 to take appropriate steps for removal of the said confiscated stock from the godown of the petitioner as aforesaid and then deal with the said confiscated

stock, in accordance with law, as he deems fit and appropriate. The stocks, accordingly, shall be removed and petitioner shall be handed over the vacant godown after removal of the said stock within three weeks from the date of receipt of copy of the order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 4, 2015

Note:-

Furnish copy by 09.02.2015.

{B/o} LMV