

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.8711 of 2015

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ORDER:

Heard.

The petitioner claims to be the owner of Auto bearing No.AP-20-TB-7053, which is said to have been seized by the 3rd respondent under the A.P.Excise Act in respect of Cr.No.298 of 2014. The petitioner had approached the Special Judicial Magistrate of First Class, Prohibition and Excise, Khammam, seeking interim custody of the said vehicle by filing Crl.M.P.No.3590 of 2015. The said application was, however, dismissed holding inter alia that the 2nd respondent is competent to consider the said request under Section 46-E of the A.P.Excise Act. The petitioner, thereafter, filed the present writ petition without approaching the 2nd respondent. Hence, the writ petition cannot be entertained.

However, the petitioner is at liberty to approach the 2nd respondent and make an application seeking release of the vehicle. If any such application is filed, the 2nd respondent shall consider the same and pass appropriate orders expeditiously, in accordance with law. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 31-03-2015

Note:

Issue C.C. in two days

(B/o)

Prv

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