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

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Writ Petition No.22161 of 2015

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Between:

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B. Srilatha

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...Petitioner

and

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The Commissioner, Prohibition & Excise, Andhra Pradesh,
Hyderabad and others

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...Respondents

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Dated 17-07-2015

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SUBMITTED FOR APPROVAL:

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

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1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No

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2. Whether the copies of judgment may be
marked to Law Reporters/Journals ? Yes/No

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3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

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THE HON'BLE SRI JUSTICE A.V. SESA SAI
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Writ Petition No.22161 of 2015

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ORDER:
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This writ petition is filed under Article 226 of the Constitution of India for the following relief:

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“to issue a writ, order or direction, more particularly one in the nature of *Writ of Mandamus*, to declare the action of the respondent No.1 in not granting interim relief of staying the orders of the 2nd respondent in Rc.No.145/2014/A1, dated 27.3.2015 pending disposal of the appeal as arbitrary, illegal and consequently direct the respondent No.1 to grant stay of the orders of the respondent No.2 in proceedings Rc.No.145/2014/A1, dated 27.3.2015 pending disposal of the appeal in the interest of justice.”
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_____ Heard the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise (AP), apart from perusing the material available before the Court.

_____ According to the petitioner, she is the owner of the Maruthi Swift VDI Car bearing No.AP 03 AW 8214. The Chandragiri Police seized the said vehicle on 09-04-2014, in connection with crime No.109/2014, on the ground of alleged involvement in transportation of 7 boxes of honey bee brandy bottles, each 180 ML. The police registered a case for the offence under Section 34(a) of A.P. Excise Act, 1968 (for short ‘the Act’) and produced the vehicle before the Deputy Commissioner of Prohibition & Excise, Chittoor, the 2nd respondent herein.

The 2nd respondent granted interim custody of the vehicle, pending enquiry. Thereafter, the 2nd respondent passed final orders, vide Rc.No.145/2014/A1, dated 27-03-2015, confiscating the said vehicle of the petitioner. Aggrieved thereby, the petitioner filed appeal before the Commissioner of Prohibition and Excise, the 1st respondent herein, under Section 46(C) of the Act, along with an application for stay. The main grievance of the petitioner in this writ petition is that no orders have been passed by the 1st respondent, either on the application for stay, or in the appeal.

Across the Bar, it is requested by the learned counsel for the petitioner that the 1st respondent may be directed to dispose of the appeal filed by the petitioner herein, by fixing some time.

Hence, the writ petition is disposed of, directing the 1st respondent-Commissioner of Prohibition and Excise, to pass appropriate orders on the appeal filed by the petitioner herein as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order. Till the appeal is disposed of, no coercive action shall be taken.

The miscellaneous petitions, if any, filed in the writ petition, shall also stand disposed of. There shall be no order as to costs.

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A.V. SESA SAI, J.

Dt.17-07-2015.

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