

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

Writ Petition No.15480 of 2015

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“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 in Cr.No.1346/2015/CPE/TS/D1, dt. 25-5-2015 dismissing the appeal filed by the petitioner upholding the orders of the 3rd respondent dt. 23-1-2015 in Cr.No.1072/2014/PE/B2, 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 the learned Government Pleader for Prohibition and Excise, apart from perusing the material available on record.

It is brought to the notice of this Court that the subject matter of the writ petition is squarely covered by the order of this Court in writ petition No.3173 of 2015, dated 13.02.2015 and a copy of the same is also placed on record.

Following the above order of this Court and for the reasons recorded therein, the writ petition is disposed of in the following manner:

- i. The Deputy Commissioner of Prohibition and Excise shall get the value of the vehicle assessed through the Motor Vehicles Inspector within his jurisdiction and notify the petitioner to deposit the said value, within a period of two weeks;
- ii. the petitioner is permitted to deposit the value of the vehicle, and on such deposit, respondents 2 and 3 shall release the vehicle in his favour in lieu of confiscation;
- iii. 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 vehicle;

- iv. in the event of default of the petitioner in depositing the value as is assessed as per the directions above, respondents 2 and 3 shall be free to proceed further with proceedings of auction of the said vehicle and then take further steps in accordance with law;
- v. pending exercise as directed above, any proceedings for auction of the said vehicle shall remain stayed.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

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A.V. SESA SAI, J

Date: 09.06.2015

Note: Issue CC in two days.
(B/o.) Isn

THE HON’BLE SRI JUSTICE A.V.SESA SAI

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DATE: 09.06.2015

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