

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1619 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in seizing the Two Wheeler (Glamour) bearing Registered No. APO5CT 3703 belonging to the petitioner on 4.11.2015 and keeping the same in the custody of the 2nd respondent alleging that the same is being used for transportation of illicit liquor as being illegal, arbitrary and is in violation of Article 21 of the Constitution of India, and consequently direct the respondents to release the same forthwith in favour of the petitioner, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

It appears that the petitioner filed an application before the Deputy Commissioner of Prohibition and Excise, Kakinada, which was received on 30.01.2016, seeking release of the subject motorcycle. In that view of the matter, this Court sees no purpose served in entertaining this writ petition for adjudication on merits as the authority concerned is yet to apply its mind and take appropriate action on the application filed by the petitioner.

The writ petition is therefore disposed of directing the Deputy Commissioner of Prohibition and Excise, Kakinada, to consider the petitioner's application, which was received on 30.01.2016, in accordance with law and take appropriate action in the matter. In the event the petitioner's request for release of the vehicle is rejected, the reasons therefor shall be recorded and communicated to him. This entire exercise shall be completed expeditiously and in any event, not later than one week from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in

the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

1st March, 2016
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