

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 27222 of 2007

Order:

The petitioner claims to be the owner of the vehicle bearing registration No.AP-23T-5445. He has been letting out the said vehicle for transportation of goods. On one occasion, he let out the said vehicle to one R. Balakishan of Kowdipally village for transportation of jaggery. He was transporting the jaggery under private way bill for delivery of the same to M/s.Ramchander Laxminarayan Karwa, at Hyderabad. When the goods were being unloaded at M/s.Simran Trading Company, Chudibazar, the 4th respondent seized the vehicle along with goods and arrested the driver. At that time, the vehicle was being driven by one N. Bhikku. The said seizure took place on the ground of transportation of black jaggery which is meant for production of illicit liquor. The petitioner submitted an application before the Deputy Commissioner of Prohibition and Excise, Hyderabad, who released the vehicle, by an order dated 07.07.2003, on furnishing security for a sum of Rs.45,000/- and bank guarantee for a sum of Rs.1,10,000/- with two sureties. Thereafter, a show cause notice was issued by the second respondent and the case of the petitioner is that the said notice was addressed to the driver of the vehicle and he has no knowledge about the same. The driver submitted an explanation and, on the basis of which, the second respondent passed an order on 25.03.2006. In the said order it was stated that the show cause notice was served on the owner of the vehicle i.e., the petitioner also. The order, dated 25.03.2006, states that the vehicle was liable to be confiscated and, accordingly, the order of confiscation was passed. Challenging the same, the petitioner preferred an appeal before the Commissioner of Prohibition and Excise, Hyderabad, stating that he has no knowledge about the transportation of jaggery for illegal purpose and he has not received any notice. However, the appeal

was dismissed on 04.06.2007, confirming the order passed by the Deputy Commissioner of Prohibition and Excise, Hyderabad, dated 25.03.2006. Challenging the same, the present writ petition was filed.

2. This Court has called for the record of the case in order to verify whether the petitioner was put on notice or not and the record made available by the learned Government Pleader for Prohibition and Excise showed that the petitioner received notice. Hence, the order passed by the Deputy Commissioner of Prohibition and Excise, Hyderabad, does not suffer from any infirmity with regard to ground of notice. The other ground relating to the knowledge of the petitioner, such ground is not available to the petitioner when he let out the vehicle for transportation of goods. In the circumstances and in the absence of any other ground, the order passed by the Deputy Commissioner of Prohibition and Excise, Hyderabad, dated 25.03.2006 and confirming the said order by the Commissioner of Prohibition and Excise, Hyderabad, on 04.06.2007 does not warrant interference of this Court.

3. The Writ Petition is, accordingly, dismissed. However, in the circumstances, no costs.

4. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 18.02.2016
Nsr

RAMALINGESWARA RAO, J.