

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 15578 of 2011

Order:

The petitioner claims to be the owner of the Auto bearing registration No.AP 22 W 7952. When the vehicle was proceeding towards Mahaboobnagar on 15.06.2010 the Prohibition and Excise Sub-Inspector, SHO, Mahaboobnagar along with his staff conducted route watch at Koilkonda Cross Road, Mahaboobnagar and seized the vehicle along with 20 litres of ID Liquor under a cover of panchanama. Thereafter, a case in PCR No.217/2010-2011, dated 15.06.2010 was registered under the provisions of the AP Prohibition Act, 1995 and proposals were submitted for confiscation of the seized property. The vehicle was released after furnishing bank guarantee to the third respondent. Thereafter the second respondent issued a show cause notice on 02.07.2010, but the petitioner could not represent his case before the first respondent. In those circumstances, the appeal of the petitioner was rejected by the first respondent. Challenging the rejection order passed by the first respondent, the present Writ Petition was filed.

2. This Court, by an order dated 30.06.2011, directed release of the Auto and the petitioner was directed to renew the bank guarantee.

3. Though no counter affidavit is filed, in view of availability of alternative remedy of appeal against the impugned order, this Court is not inclined to entertain the present Writ Petition.

4. Accordingly, the Writ Petition is disposed of granting liberty to the petitioner to file an appeal before the competent authority within a period of three (3) months from the date of receipt of a copy of this order. Till the disposal of the appeal by the competent authority, the interim order dated 30.06.2011 shall continue. If the petitioner failed to file the appeal, it is open to the respondents to take necessary action in

accordance with law. There shall be no order as to costs.

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

A.
Date: 28.04.2016
Nsr

RAMALINGESWARA RAO, J