

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.31867 of 2016

O R D E R:

Questioning the seizure of the DCM Van bearing Reg. No.AP 22 TA 1805 in connection with C.O.R.No.130 of 2016 by the Station House Officer, Kalwakurthy Proh. & Excise Station, Mahaboobnagar District, the present Writ Petition is filed.

2. As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material and hence, it would be more appropriate to entrust the interim custody to an appropriate person.

3. If the petitioner approaches the 2nd respondent-Deputy Commissioner of Prohibition & Excise, Mahaboobnagar, with an application enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner on any nationalized bank payable at Warangal, in a sum of Rs.30,000/- (Rupees Thirty thousand only), DCM Van bearing Reg. No.AP 22 TA 1805, may be entrusted for interim custody

to the petitioner, provided she produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also her identity proof and furnishing an undertaking that she will keep the vehicle insured at all times and that she will keep it in good running condition by maintaining it regularly, and that she will not create any 3rd party interests or charge thereon and that she will not alienate the same. So far as the contraband is concerned, the same can be examined for entrustment or otherwise only upon finalization of the confiscation proceedings. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

4. With this, the Writ Petition stands disposed of. No costs.

5. Consequently, the miscellaneous petitions pending, if any, shall stand disposed of.

M.S.RAMACHANDRA RAO, J

22nd September, 2016
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