

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36177 OF 2016

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader for Prohibition & Excise (Telangana).

2. This writ petition is filed questioning the action of respondent Nos.2 and 3 in not releasing the petitioner's vehicle Innova 2.5 G bearing Registration NO.TS 12 EB 2337 seized in COR No.208 of 2016 for the offence punishable under Section 34(e) of the A.P.Excise Act, 1968 (for short, 'the Act').

3. Petitioner, who is running business of transportation of Black Jaggery and other products, is the registered owner of Vehicle Innova bearing registration No.TS 12 EB 2337 having purchased the same from Toyota Financial Services. On 01.10.2016 while his driver took the said vehicle on some emergency work stating that his grandmother was in serious condition, his vehicle was seized by the third respondent and a case was registered in COR No.208 of 2016 for the offence under Section 34(e) of the Act. Thereby, petitioner approached the third respondent seeking to release his vehicle, who in turn advised him to approach the second respondent. Petitioner has submitted an application dated 14.10.2016 seeking for release of his vehicle.

4. Admittedly, Section 46 of the Act empowers the Deputy Commissioner of Prohibition & Excise to consider, in given

circumstances, release of the seized stock, on an Application being made by the aggrieved party. In the case on hand, petitioner has submitted an application dated 14.10.2016 to the 2nd respondent Deputy Commissioner.

5. In the facts and circumstances of the case, this court deems it appropriate to dispose of the writ petition directing the second respondent to consider the application of the petitioner within a period of two weeks from the date of receipt of a copy this order and pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.



JUSTICE CHALLA KODANDA RAM

October 26, 2016

Note:-

Furnish copy forthwith.

{B/o}

LMV