

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29548 of 2012

ORDER:

1. It is the case of the petitioner that on 16.01.2012 some persons engaged his auto bearing No.A.P.20.TA.6285 and while proceeding with the passengers, the said auto was stopped by the police and seized it on the allegation that illicit liquor is being carried in the said auto. Challenging the seizure of the vehicle, the petitioner moved the Special Judicial Magistrate of First Class, Prohibition and Excise, Khammam, in CrI.M.P.No.216 of 2012 for release of the vehicle, but the same was dismissed on 10.02.2012 observing that the said Court was not having jurisdiction to entertain the said petition. Thereafter, the petitioner filed an application on 10.04.2012 before the Deputy Commissioner, Prohibition and Excise, Khammam, based on a notice issued in Crime No.100 of 2012 and the same was pending before him. Thereafter, it appears that confiscation order was passed by the Deputy Commissioner of Prohibition and Excise, Khammam, on 21.05.2012, after issuance of a show cause notice. Challenging the said show cause notice, the petitioner filed W.P.No.20807 of 2012 and the same was disposed of by this Court on 16.07.2012 on the ground that the order of confiscation was already passed.

2. A perusal of the order dated 21.05.2012 passed by the Deputy Commissioner of Prohibition and Excise, Khammam, shows that an order of confiscation of the auto was passed and the petitioner was given 60 days time for preferring an appeal before the Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad. In view of the availability of an alternative remedy of appeal, this Court is not inclined to entertain the present writ petition.

3. The Writ Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

17-03-2016

Gsn