

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44011 of 2016

Date: 19.12.2016

Between:

Veeravalli Srinivasarao S/o Harinarayana,
Age: 41 years, Occu:Agriculture,
Dammapeta village and mandal
Bhadradri Kothagudem District.

.....Petitioner

And

The State of Telangana, rep.by Principal Secretary,
Department of Prohibition and Excise, Secretariat,
Hyderabad and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is aggrieved by the alleged seizure of his vehicle TVS motor cycle bearing registration No. AP 37 VFTR 7948 as a consequence to the registration of Crime in C.O.R.No.278 of 2016 on the file of Prohibition and Excise Station, Aswaraopeta. Against the seizure of the vehicle, remedy is provided under Section 46-A(b) of the A.P.Excise Act, 1968 (Act, 1968). Petitioner is entitled to file an application before the Deputy Commissioner praying to release the vehicle and petitioner may seek to invoke jurisdiction of this Court only if the Deputy Commissioner refuses to grant the relief or does not act upon on such application within the reasonable time. When the remedy is provided under the Act, petitioner cannot invoke jurisdiction of this court.

2. Thus, writ petition is disposed of, granting liberty to the petitioner to avail remedy as available under Section 46-A(b) of the Act, 1968 within a period of two weeks from the date of receipt of copy of this order. As and when such petition is filed, the Deputy Commissioner of Prohibition and Excise shall pass appropriate orders as warranted by law within further period of two weeks after receipt of such application. It is open to the Deputy Commissioner to impose such conditions as warranted by law, in the event of accepting the request of the petitioner to release the vehicle.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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