

**HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE SURESH KUMAR KAIT**

WRIT PETITION No.13049 of 2016

ORDER : *(Per Hon'ble Sri Justice Ramesh Ranganathan)*

The auction notice dated 18.03.2016, whereby the gold jewellery belonging to the petitioner was sought to be put to sale, is questioned in this writ petition as being arbitrary and illegal.

After the subject gold ornaments were seized, the Station House Officer, Adoni Town Police Station handed over the gold jewellery to the 1st respondent who passed an order of on 19.02.2016 confiscating the gold jewellery of 486.940 grams valued at Rs.11,93,003/- from the petitioner. Aggrieved by the order of confiscation, the petitioner preferred an appeal to the 2nd respondent, along with an application for stay in Form VAT 406, on 11.04.2016. Even before the petitioner could avail the remedy of an appeal, the auction notice was issued on 18.03.2016 proposing to put the gold ornaments to auction on 19.04.2016.

Sri Shaik Jeelani Basha, learned Special Standing Counsel for Commercial Taxes, on instructions, would submit that, while an auction was held on 19.04.2016, the gold jewellery was not put to sale.

As the petitioner has preferred an appeal, along with

an application seeking stay of all further proceedings pursuant to the order of confiscation, it is but appropriate that the 1st respondent does not initiate any further steps to auction the said gold jewellery till the stay application, filed by the petitioner, is disposed of by the 2nd respondent. It is made clear that the order of confiscation shall continue to remain in force, and the 1st respondent shall retain the gold jewellery in his custody, till the appeal preferred by the petitioner is finally decided by the 2nd respondent. The order now passed by us, directing the 1st respondent not to put the gold jewellery to sale, shall remain in force only till the stay application, filed by the petitioner, is disposed of by the 2nd respondent.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

SURESH KUMAR KAIT, J

20.04.2016

v v