

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41639 of 2016

Date: 15.12.2016

Between:

Choppari Mallaiah S/o Ilaiah, Aged 45 years,
Occu: Agriculture, r/o. H.No.3-40, Keshavapur (V),
Husnabad Mandal, Siddipet District, Telangana State.

.....Petitioner

And

The State of Telangana, rep.by Principal Secretary,
Revenue (Excise) Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claimed to be registered owner of Mahendra Tractor and Trolley bearing Registration Nos.TS-02UA-4011 and TS-02UA-4012, respectively. On 01.10.2016, the Prohibition and Excise officials seized the vehicle on the allegation of illegal transportation of 400 kgs of jaggery in it. Crime in C.O.R.No.599 of 2016 was registered under Section 34 (e) of A.P.Excise Act, 1968 (for short, 'Act, 1968'). Petitioner filed application before the Deputy Commissioner of Excise under Section 46-E of the Act on 21.11.2016. Alleging that said application is not considered and so far vehicle is not released, this writ petition is filed.

2. On 30.11.2016, matter was adjourned to enable the Deputy Commissioner to pass orders on the application filed by the petitioner on 21.11.2016.

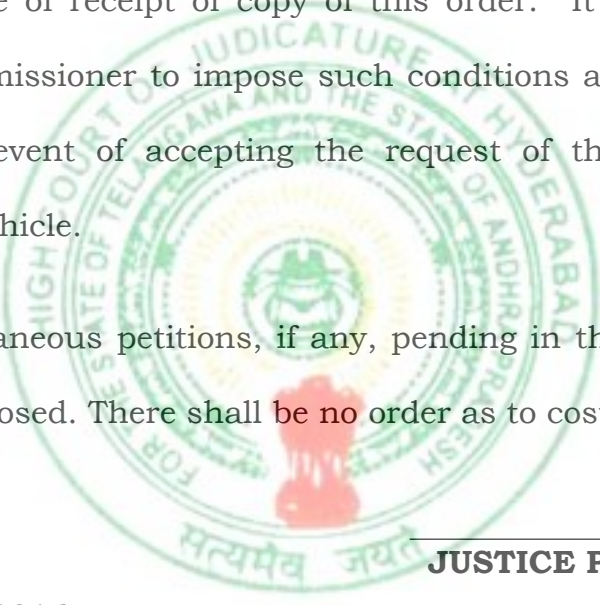
3. When the matter is taken up for consideration, learned Assistant Government Pleader informs the Court that since valuation of the vehicle is not furnished by the Transport Department, the claim of the petitioner could not be considered.

4. The assessment of valuation of the vehicle is an internal matter between the Excise and the Transport Departments. When the vehicle is seized and kept in open place, the vehicle would be subjected to damage. Therefore, it is desirable, to the extent possible, to release the vehicle subject of course to the discretion of the competent authority and fulfillment of all statutory

requirements. Thus, application for release of vehicle cannot be kept pending on the specious ground that the transport authority has not furnished the valuation of the subject vehicle.

5. Having regard to the same, writ petition is disposed of, directing the Deputy Commissioner of Prohibition and Excise, Warrangal (2nd respondent) to obtain valuation of the vehicle from Transport authority and to pass appropriate orders on the application submitted by the petitioner on 21.11.2016 as expeditiously as possible, preferably within a period of two weeks from the date of receipt of copy of this order. 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

Date: 15.12.2016

Note: Issue C.C. by tomorrow.

*B/o.
kkm*

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