

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43572 OF 2016

Dated:26.12.2016

Between:

Tridevi Chandana @ Chand @ Chandrakala,
W/o. Hanumansai, aged about 45 years,
R/o.Netaji Market, Kothagudem Town
And Mandal, Khammam District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Excise Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard. With the consent of learned counsel for the parties, the Writ Petition is being disposed of at the stage of admission.

2. The petitioner alleges that 1260 kgs. of jaggery was seized by the respondent authorities and C.O.R.No.473 of 2016 was registered on 28.06.2014. The petitioner sought for grant of interim custody of the jaggery, but the same was refused by the Deputy Commissioner of Prohibition and Excise, Khammam District, the 3rd respondent, vide his orders dated 25.10.2016. Challenging the same, this Writ Petition is filed.

3. When the matter is taken up for consideration, learned Government Pleader for Prohibition and Excise raised objection on maintainability of the Writ Petition as the petitioner has an effective remedy of appeal against the order under challenge.

4. At this stage, learned counsel for the petitioner submits that the petitioner is willing to furnish Fixed Deposit Receipt for the entire value of jaggery and as jaggery is perishable, instead of directing the petitioner to avail the remedy of appeal, direction may be issued to release the jaggery of 1260 kgs.

5. Having regard to these submissions and in the facts of this case, the Writ Petition is disposed of directing the Deputy

Commissioner of Prohibition and Excise, Khammam District, the 3rd respondent, to release the jaggery seized from the petitioner, subject to her furnishing Fixed Deposit Receipt for an amount of Rs.45,000/-. The said amount shall be subject to forfeiture in case the competent authority passes orders for forfeiture in accordance with the provisions of the Andhra Pradesh Excise Act, 1968. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:26.12.2016

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P. NAVEEN RAO, J

