

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18103 OF 2017

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ of certiorari calling for the records of the orders passed by the 2nd respondent – Commissioner of Prohibition & Excise, Hyderabad, in Cr.No.83/ 2017/ CPE/ TS/ D1 Dt:27-04-2017 in confirming the order passed by the 3rd respondent in Cr.No.521/ & Ex/ A3 Dt:28-11-2016 in confiscating DCM Van bearing No.AP 36 TA 9936 for transporting of 1178 kgs., of jaggery as illegal and arbitrary, and consequently, set aside the orders passed by the 2nd respondent in Cr.No.83/ 2017/ CPE/ TS/ D1 Dt:27-04-2017 in confirming the order passed by the 3rd respondent in Cr.No.521/ 2016/ P&Ex/ A3 dt:28-11-2016.

The case of the petitioner is that he is the owner of DCM Van bearing No.AP 36 TA 9936 and he is eking out his livelihood by running it for transporting goods, by employing a driver. While so, on 29.07.2016 the 4th respondent seized the said van while it is transporting 1178 kgs., of jaggery and subsequently, handed over the said vehicle to the custody of 3rd respondent. Thereafter, the 3rd respondent after issuing show cause notice to the petitioner, passed orders, dated 28.11.2016 by confiscating the DCM van. Challenging the same, the present writ petition is filed.

When the matter is taken up for hearing, learned Government Pleader for Prohibition & Excise submitted that the petitioner has an alternative remedy of revision before the authority concerned, against the order under challenge.

In view of the submission of the learned Government Pleader, this writ petition is disposed of with the following direction:

The petitioner is directed to prefer a revision petition against order, dated 27.04.2017, passed by the 2nd respondent –Commissioner of Prohibition & Excise, before the authority concerned.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand dismissed.

July 17, 2017
KTL

RAJA ELANGO, J

