

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20097 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

*“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing respondent No.2 i.e., the Deputy Commissioner, Prohibition and Excise, Telangana to entrust the vehicle i.e., Motor Car EON MAGNA + BSIV vide bearing registered No.TS 08 ET 5135, Chasis No.MALA 351BLFM419460*H, Engine No.G3LAFM399528 to the petitioner for interim custody on any reasonable conditions in the circumstances of the case.”*

2. Case of the petitioner is that he is the owner of the aforementioned vehicle. On 31.12.2016, respondent No.3 registered a case against respondent No.4 vide C.O.R.No.163 of 2016 for the offence punishable under Section 34(a) of the A.P. Excise Act, 1968. Respondent No.3 arrested respondent No.4 and seized the aforementioned vehicle of the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court and that respondent No.2 refused to release the aforementioned vehicle for interim custody of the petitioner.

4. Learned Government Pleader for Prohibition and Excise submitted that already confiscation proceedings started and notices were also issued, but without availing the opportunity, the petitioner has approached the appellate authority and the appellate authority dismissed the appeal.

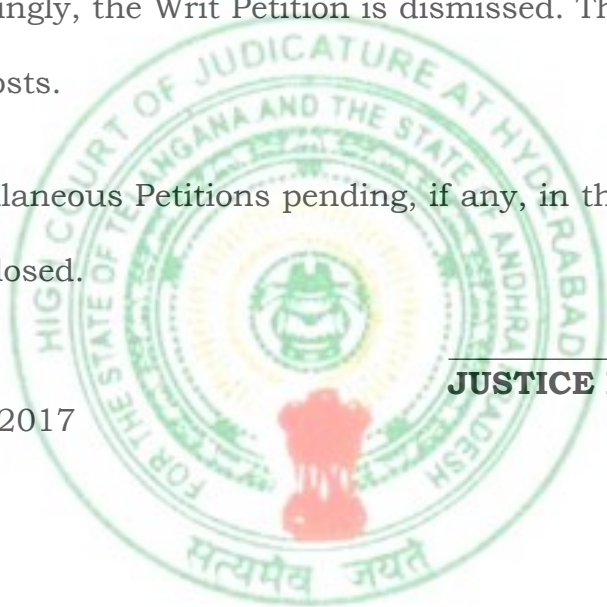
5. Recording the submission of the learned Government Pleader, this Court is not inclined to grant the relief sought for in this writ petition and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

Date : 21.06.2017
AMD

JUSTICE RAJA ELANGO



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