

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5981 OF 2017

ORDER:

Questioning the seizure of auto rickshaw bearing No.AP-35-X-7108 seized in crime No.110/2016-17 of Prohibition & Excise Station, Salur, this Writ Petition is filed.

As per Sections 12 and 13 of Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor cycle is kept idle and not used for long, it is more likely that it will get rusted and hence, it would be more appropriate to entrust the interim custody to an appropriate person.

If the petitioner approaches the 3rd respondent-Deputy Commissioner of Prohibition & Excise, Vizianagaram, with an application, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner on any nationalized bank payable at Vizianagaram, in a sum of Rs.50,000/- (Rupees Fifty Thousand only), the auto rickshaw bearing registration No.AP-35-X-7108 may be entrusted for interim custody to the petitioner, provided he produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also his identity proof and furnishing an undertaking that he will keep the vehicle insured at all times and that he will keep it in good running condition by maintaining it regularly, and that he will not create any 3rd party interests or charge thereon and that he will not alter

the same. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

With this, the Writ Petition stands disposed of. No costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

22nd February, 2017.

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