

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.24104 OF 1997

ORDER:

This writ petition is filed against the orders passed by the Commissioner of Prohibition and Excise, Hyderabad, first respondent herein, in Cr.No.784/97/DPE/B2, dated 24-8-1997, confirming the order passed by the Deputy Commissioner of Prohibition and Excise, Guntur, second respondent herein, in Rc.No.907/75/A3, dated 3-08-1995, confiscating lorry bearing No.ADJ 2205 on the allegation of transporting liquor bottles in violation of Section 34 (a) of Andhra Pradesh Prohibition and Excise Act (for short, the Act).

2. It is the case of the petitioner that his lorry bearing No.ADJ 2205 was seized by the Inspector of Prohibition and Excise, Nellore, third respondent herein, and subsequently, the same has been released on petitioner furnishing bank a guarantee for Rs.80,000/- as per the directions of the High Court in W.P.No.5333 of 1996. Thereafter, the second respondent issued confiscation proceedings in Rc.No.907/75/A3, dated 3-08-1995 without issuing any notice to the petitioner. Challenging the same, the petitioner filed an appeal before the first respondent, who by order dated 24-8-1997, mechanically dismissed the same, confirming the orders of the second respondent, which lead the petitioner to file the present writ petition.

3. Perused the record.

4. It is the duty of the appellate authority to give reasonable opportunity of hearing the appeal and it cannot be presumed that the appellant has no objection if cyclostyled orders are passed and that the appellant has no objection for passing such orders. The mechanical way of functioning of the authorities is unjust and improper.

5. In view of the above observation, this writ petition is allowed, setting aside the orders passed by the 1st respondent in Cr.No.784/97/DPE/B2, dated 24-8-1997. No costs. As a sequel, Miscellaneous Petitions pending if any shall stand closed.

Date: 24-11-2017
Shr.



T.AMARNATH GOUD,J