

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.46823 of 2016

Date: 02.01.2017

Between:

Choppari Mallaiah, S/o Ilaiah, Aged 45 years,
Occu: Agriculture, r/o.H.No.3-40, Keshavapur (V),
Husnabad Mandal, Siddipet District, Telangana.

.....Petitioner

and

The State of Telangana, rep.by its
Secretary, Revenue (Excise) Department,
Secretariat Buildings, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Tractor and Trailer of the petitioner was seized on the allegation of carrying jaggery illegally. On an application filed by the petitioner, the Deputy Commissioner passed orders on 27.12.2016 granting interim custody of the vehicle subject to provision of Fixed Deposit Receipt/Bank Guarantee for an amount of Rs.4,30,000/-. Petitioner challenges the same in this writ petition.

2. Learned counsel for petitioner submits that petitioner cannot afford to pay the said amount and since vehicle is seized, petitioner is unable to eke-out his livelihood also and prays for reduction of the amount fixed by the Deputy Commissioner.

3. Having regard to the fact that the vehicle seized is Tractor and Trailer, I am of the opinion that limited relief can be granted to the petitioner by granting liberty to the petitioner to pay Rs.2,00,000/- by way of Fixed Deposit Receipt/Bank Guarantee and for the balance amount, petitioner may furnish security of the immovable property standing on his name. Subject to petitioner furnishing Fixed Deposit Receipt/Bank Guarantee for Rs.2,00,000/- and immovable property security for the balance amount determined by the Deputy Commissioner, the vehicle may be released as ordered in the impugned notice dated 27.12.2016.

4. Writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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