

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7293 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of mandamus to declare the action of the 2nd respondent in not passing orders directing the 3rd respondent to release the stocks i.e., 900 Kgs of white jaggery seized in P.R.No.112/2017 inspite of readiness of the petitioner to furnish the bank guarantee equivalent to the value of the stocks, as being illegal, arbitrary and unjust and consequently direct the 2nd respondent to issue orders for release of the seized stocks by accepting the bank guarantee.”

Heard, Sri Babuji Tenneti, learned counsel for the petitioner and learned Government Pleader for Excise appearing for respondents.

It is the contention of the petitioner that what has been seized is the white jaggery as is evident from the seizure report. However, as the seizure panchanama has not been produced before this Court, this Court is unable to give a definite finding on the said aspect.

In the circumstances, ends of justice would be served if the petitioner is given liberty to approach the Deputy Commissioner and seek release of the seized property by

placing necessary material before him. In the event the Deputy Commissioner finds that the seized property is white jaggery, the same shall be released in favour of the petitioner on his furnishing a personal bond for the value of the seized property, subject to the final orders that may be passed under Section 46 of the Excise Act.

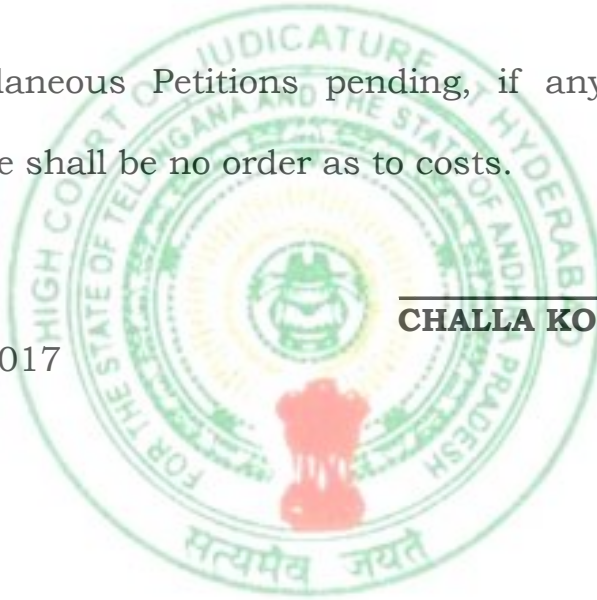
The writ petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

March 09, 2017

Pn

CHALLA KODANDA RAM, J



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