

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.34576 of 2017**

**ORDER:**

The petitioner claims to be the owner of TATA ACE HT BS-III bearing No.AP 24 TA 9915. The said vehicle was seized by the third respondent on 25.07.2017 on the ground that the vehicle was carrying PDS rice illegally and Crime No.221 of 2017 under Section 420 IPC read with Section 7 of the Essential Commodities Act was registered. Though the vehicle was deposited with the Court of Judicial First Class Magistrate (Excise & Prohibition), Nalgonda, the said Court did not take cognizance of the matter as the second respondent is competent to deal with the matter. The petitioner filed Crl.M.P.No.367 of 2017 in Crime No.221 of 2017 seeking release of the seized vehicle. But, the said application was returned with an endorsement that the Court has no jurisdiction. In the circumstances, the present Writ Petition is filed seeking release of the seized vehicle.

Learned Government Pleader submits that the second respondent is competent to pass orders on the application filed by the petitioner. The petitioner has not filed any application before the second respondent seeking release of the vehicle.

In the circumstances, the Writ Petition is disposed of giving liberty to the petitioner to file appropriate application before the second respondent seeking release of the vehicle and

as and when such an application is filed, the second respondent shall consider the same and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of the application.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

16.10.2017  
vs

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**(A.RAMALINGESWARA RAO, J)**

