

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39271 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“... to issue any appropriate writ, order or direction more particularly one in the nature of Writ of *Mandamus* declaring the action of respondent NO.3 herein in seizing the car bearing No.T.S-10 ED 6276, which is registered in the name of the petitioner, as being illegal, arbitrary, unreasonable and violative of Articles-14 and 21 of the Constitution of India and contrary to the provisions contemplated under the Prohibition & Excise Laws and consequently, to direct respondent No.3 to release the vehicle forthwith.”

Learned counsel for the petitioner would submit that the petitioner is an ex-Service man; that he is entitled to procure liquor bottles as per the eligible quota from the Military Canteen; that he procured 22 liquor bottles which relate to five months quota; that there is a marriage function to be held in his house on 24.11.2017; that he collected the required number of liquor bottles from known persons including the relatives; that when he was transporting the same in his car bearing registration No.TS 10 ED 6276, the liquor bottles as well as the car were seized; and that, therefore, the present Writ Petition is filed for release of the said vehicle in view of the marriage

function in the petitioner's house and that the petitioner is prepared to furnish a bank guarantee for a reasonable amount.

Learned Assistant Government Pleader for Prohibition and Excise (Telangana) appearing for the respondents would submit that the Deputy Commissioner, Prohibition and Excise, Medchal, is a necessary party and that the vehicle involved in the offence is 'Swift Dzire'.

Having regard to the facts of the case and the submissions of the learned counsel, the petitioner is permitted to make an appropriate application to the Deputy Commissioner, Prohibition and Excise, Medchal for release of the seized vehicle, and on such application being made, the said authority shall release the seized vehicle in favour of the petitioner forthwith on the latter furnishing a bank guarantee of a nationalised bank for a sum of Rs.1 lakh (Rupees One lakh only) and on his giving an undertaking that he will produce the said vehicle before the competent authority or Court as and when directed and required, and will maintain the said vehicle in the same roadworthy condition without changing any of its major parts and features. This order of this Court shall not preclude the respondents/authority concerned from proceeding against the petitioner in accordance with the procedure established by law

if the facts of the case warrant such a course to be adopted. No costs.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.

JUSTICE M.SEETHARAMA MURTI

21st November 2017

Note.

Issue CC today.

B/o

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