

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2826 of 2018

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus to declare the action of the second respondent in not releasing the TATA RX-Pick Up Van bearing Reg.No.AP-15-TB-6780 seized in Cr.No.62 of 2017 inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, arbitrary and unjust and consequently direct the second respondent to release the vehicle.”

Heard learned counsel for the petitioner and the learned Government Pleader for Home (Telangana).

In fact, petitioner herein approached the Court of Judicial First Class Magistrate, Thorrur by way of filing a Criminal Miscellaneous Petition under Section 457 Cr.P.C. r/w Section 34 (E) of the A.P.Excise Act. The said Court returned the said application on the ground of jurisdiction.

It is submitted by the learned Government Pleader that under the A.P.Excise Act, the petitioner herein has to make an application, for redressal of his grievance, before the appropriate authority i.e. the Deputy Commissioner of Excise.

In view of the said remedy available for the petitioner herein, the Writ Petition is disposed of with liberty to the

petitioner to file an appropriate application before the concerned authority.

Miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

A.V.SESHA SAI,J

15th February, 2018

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