

**HON'BLE DR. JUSTICE B. SIVA SANKARA RAO**

**WRIT PETITION No.4916 of 2018**

**ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise for respondents and perused the prayer in the writ petition with supporting affidavit and written instructions of the learned Government Pleader.

2. The prayer in the writ petition reads as follows:

“.....to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No.2 in rejecting the petitioner application for seeking release of vehicle bearing Registration No.TS 16 UA 7405 seized in P.R.No.3 of 2018, vide order dt.12.02.2018 in Cr.No.38/2018/P&Ex/A2, in spite of petitioner's readiness to furnish the third party surety, as being illegal, arbitrary and unjust and consequently, direct the Respondents to release the petitioner's vehicle by allowing him to furnish third party surety and to grant such other relief or reliefs as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

3. The written instructions with copy of the order of the Deputy Commissioner of Prohibition and Excise, Karimnagar, Division, clearly indicate that the petitioner participated in the enquiry conducted by the Deputy Commissioner and the vehicle is ordered for confiscation, by orders, dated 17.02.2018.

4. Once such is the case and there is a statutory right of appeal from the date of service of the order copy within 60 days stated indicated in the order, the petitioner can avail the appellate remedy.

5. Thereby, with these observations, the writ petition is closed with a direction to the 2<sup>nd</sup> respondent to serve the copy of the order, dated 17.02.2018, immediately to the petitioner for availing the appeal remedy.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

9<sup>th</sup> March 2018

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**Dr. B. SIVA SANKARA RAO, J**

