

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.7918 of 2018

ORDER:

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

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing Show Cause Notice under R.C.No.B1/ 1135/ 2017, dt.06-01-2018 served on 22-02-2018, calling upon the petitioner as to why the vehicle of the writ petitioner i.e., Auto Rickshaw of RE MAXIMA DIESEL of Bajaj Auto Ltd, bearing No.AP 5 TD 7213 seized on 28-11-2017, be confiscated, by the 4th respondent, as illegal, arbitrary and violation of principles of natural justice and consequently direct the 3rd respondent to release the vehicle of the writ petitioner and pass such other order or orders ...

2. Heard learned counsel for the petitioner and learned Government Pleader for Excise appearing for the respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

3. In view of the enabling statutory provision to approach the Deputy Commissioner concerned, there is nothing to entertain the writ petition and keep it pending with any interim direction, but for, to dispose of the same.

4. Having regard to the above, this Writ Petition is disposed of directing the petitioner to approach the Deputy Commissioner-3rd respondent herein, by giving explanation to the show cause notice dated 06.01.2018 for any interim custody of the vehicle or otherwise to pass appropriate orders.

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

Date: 12.03.2018
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Dr. B. SIVA SANKARA RAO, J