

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

WRIT PETITION No.27103 of 2018

ORDER:

Questioning the seizure of the vehicle TVS XL bearing No.AP 35 AN 2809, seized in Crime No.77/2018 of Prohibition & Excise Station, Salur, this Writ Petition is filed.

As per Sections 12 and 13 of Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor cycle is kept idle and not used for long, it is more likely that it will get rusted and hence, it would be more appropriate to entrust the interim custody to an appropriate person.

If the petitioner approaches the 3rd respondent-Deputy Commissioner of Prohibition & Excise, Vizianagaram, with an application, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner on any nationalized bank payable at Vizianagaram, in a sum of Rs.15,000/- (Rupees Fifteen Thousand only), the TVS XL bearing registration No.AP 35 AN 2809 may be entrusted for interim custody to the petitioner, provided she produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also her

identity proof and furnishing an undertaking that she will keep the vehicle insured at all times and that she will keep it in good running condition by maintaining it regularly, and that she will not create any 3rd party interests or charge thereon and that she will not alter the same. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

With this, the Writ Petition stands disposed of. No costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

02nd August, 2018
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A.V.SESHA SAI, J

