

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.1019 OF 1998

ORDER:

The petitioner is the owner of the vehicle, i.e., Lorry bearing No.ADQ 6776 and the said vehicle has been seized by the Station House Officer, Alampur, in PCR No.31/1994-95, dated 30.05.1996, under Section 34(a) of the A.P.Excise Act for unauthorized transportation of toddy bottles.

The first respondent vide proceedings in Rc.No.B3/748/95, dated 05.01.1996, has passed an order of confiscation and thereafter, by proceedings dated 19.12.1997, the first respondent issued instructions to the third respondent to auction the vehicle and to ensure that no stay orders would be obtained from the High Court against the confiscation.

The orders passed by the third respondent is excessive in nature and illegal as it suffers from appreciating the evidence placed on record and the manner in which the first respondent instructs his subordinates for taking steps not to get any stay orders by the owner of the vehicle. No reasons have been elicited from the impugned order of confiscation, except observing that the petitioner is found guilty of the offence.

In view of the above, the orders of the first respondent dated 05.01.1996 and 19.12.1997 are liable to be set aside and are accordingly set aside.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, pending if any, in the writ petition, shall stand closed.

T.AMARNATH GOUD, J

10.11.2017
pln