

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P. No. 37468 of 2018

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Excise appearing for the 1st and 2nd respondents, and the learned Government Pleader for Home appearing for the 3rd respondent.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in not passing orders directing the 3rd respondent to release the stocks of the petitioner, i.e., 410 bags each of black jaggery each containing 50 Kgs., seized in Crime No. 732 of 2018 on the file of the 3rd respondent, as illegal and arbitrary, and consequently direct the 2nd respondent to issue necessary orders for release of the above stocks.

3. It is stated that the issue in the writ petition is covered by an order dated 20.12.2017 in W.P.No. 43388 of 2017.

4. Therefore, following the order passed in W.P.No. 43388 of 2017, dated 20.12.2017, the present writ petition is disposed of at the admission stage, directing the petitioner to make an appropriate application before the 2nd respondent- the Deputy Commissioner of Prohibition and Excise, East Godavari district, Kakinada, enclosing thereto a Fixed Deposit

Receipt for Rs.2,25,000/- (Rupees Two lakhs twenty five thousand only) drawn in favour of the 2nd respondent on any nationalized bank, and on such an application being made, interim custody of the subject stock, i.e., 410 bags each of black jaggery each containing 50 Kgs., seized in Crime No. 732 of 2018 on the file of the 3rd respondent, shall be handed over to the petitioner. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed.

22.10.2018
DMG



JUSTICE C. PRAVEEN KUMAR