

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.44986 of 2018

ORDER

Keeping in view the nature of relief sought by the petitioner and at request of the learned counsel for the petitioner, the writ petition is being disposed of at the stage of admission.

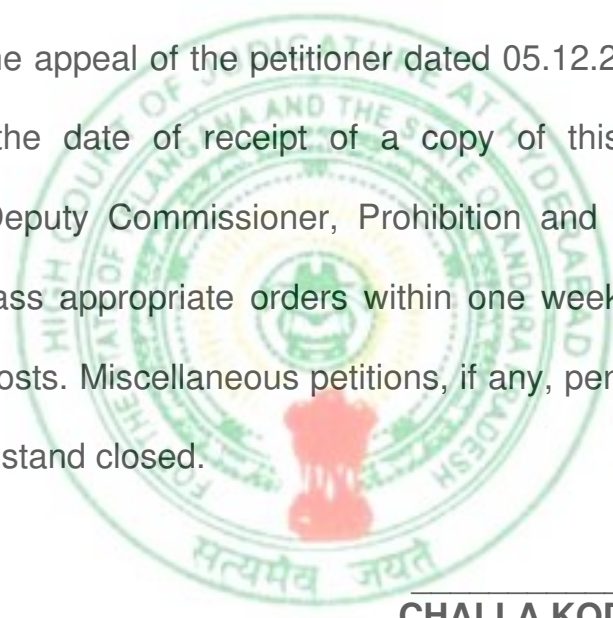
2. This writ petition is filed seeking a writ of mandamus to declare the action of the second respondent in not passing orders on the appeal of the petitioner and not releasing his car bearing No.TS 07 FQ 0722 (Hyundai Creta) seized in Cr.No.480 of 2018 on the file of Moinabad Police Station, Ranga Reddy District, as illegal and arbitrary.

3. Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

4. The case of the petitioner is that his car bearing No.TS 07 FQ 0722 was seized by the third respondent on 02.12.2018 on the ground that he was transporting two boxes containing 12 Blenders Pride Whisky bottles (750 ml) each. The further case of the petitioner is that he is a Doctor by profession and was carrying the said contraband for private use and not for business purpose and that though he made an appeal on 05.12.2018 to the second respondent-Commissioner, Prohibition and Excise, to release his vehicle as

there is every likelihood of its getting damaged, the same has not been considered.

5. The material on record shows that since the petitioner was carrying liquor during election time, the same was seized on suspicion. Inasmuch as Section 46-E of Andhra Pradesh Excise Act, 1968, empowers the Deputy Commissioner of Prohibition and Excise to pass appropriate orders in relation to the excise offences and also to levy penalty under Section 34 of the said Act, this Writ Petition is disposed of, with a direction to the second respondent to make over the appeal of the petitioner dated 05.12.2018, within one week from the date of receipt of a copy of this order, to the concerned Deputy Commissioner, Prohibition and Excise, who in turn, shall pass appropriate orders within one week thereafter. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



CHALLA KODANDA RAM, J

12th December, 2018

Note:
Issue CC in two days.

sj