

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 487 of 2019

O R D E R:

Petitioner asserts that she is the owner of vehicle bearing No. K10BN4985016; that respondent No. 2 – Station House Officer, P.S. Chikkadpally seized the said vehicle on the ground that there is a violation of the provisions of the Telangana Excise Act (for short, 'the Act'); that in spite of her approaching, respondent No.2 is not releasing the subject vehicle and that she made an application before the learned IX Additional Chief Metropolitan Magistrate, Hyderabad in Crime No. 449 of 2018 (P.S. Chikkadpally) for release of the subject vehicle but the same was not accepted by the Court on the ground that it has no jurisdiction in relation to the excise offences. In the circumstances, she approached this Court by way of filing this Writ Petition.

Learned Government Pleader for Home submits that without there being any permit and licence, there is a transportation of 270 IMFL liquor bottles and 48 bottles of Imperial Blue in the subject vehicle. He further submits that a case has already been registered and the matter requires further investigation and enquiry. He also submits that in terms of Section 34 of the Act, the Deputy Commissioner of Excise is the authorised Officer to adjudicate upon the matter, as such, the petitioner may approach the said authority seeking release of the subject vehicle.

In those circumstances, the Writ Petition is disposed of giving liberty to the petitioner to approach the Deputy Commissioner of Excise under Section 34 of the Act and seek interim custody of the subject vehicle, pending adjudication of the main case. As and when such application is made, the Deputy Commissioner shall consider the same as early as possible as keeping vehicle idle would not enure to the benefit of anyone as held by the Hon'ble Supreme Court in a catena of judgments.

The miscellaneous Applications, if any pending in this Writ Petition shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

30th January 2019

kdl