

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1771 of 2019

ORDER

Petitioner asserts that she is the owner of vehicle bearing No.TS-29-D-6640 (Honda Activa Scooty); that respondent No.3 – Station House Officer, Garidepally Police Station, Nalgonda District, 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 approach, respondent No.3 is not releasing the subject vehicle. In the circumstances, she approached this Court by way of filing this Writ Petition.

2. Learned Government Pleader for Home submits that without there being any permit and licence, there was transportation of 20 A ONE fine whisky bottles 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.

3. In those circumstances, the Writ Petition is disposed of giving liberty to the petitioner to approach the Deputy Commissioner of Excise-respondent No.2 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. No order as to costs.

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

CHALLA KODANDA RAM, J

31st January 2019

sj