

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3716 of 2019

ORDER:

Petitioner asserts that it is the owner of vehicle i.e, Swift car bearing No.AP-16-EF-9185; that respondent No. 3 – Station House Officer, P.S.Karimnagar II Town Police Station, Karimnagar 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 its approaching, respondent No.3 is not releasing the subject vehicle and that he made an application before the 2nd respondent for release of the subject vehicle but the same was not accepted. In the circumstances, petitioner 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 is a transportation of 20 liquor 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 2nd respondent-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 2nd respondent-

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.

4. Miscellaneous applications, if any pending in this writ petition, shall also stand closed. No costs.

CHALLA KODANDA RAM, J

22nd February, 2019

sj

