

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5422 of 2019

ORDER:

Petitioner asserts that he is the owner of vehicle bearing No.AP-27-UB-3208; that respondent No.3 – Station House Officer, Kusmanchi Police Station, Khammam 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 his approach, respondent No.3 is not releasing the subject vehicle. In the circumstances, he 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 was transportation of 150 bags of black jaggery and one white colour plastic bag containing 10 kgs., alum 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 Prohibition and 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 respondent No.2-Deputy Commissioner, Prohibition & Excise, Khammam District 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, respondent No.2 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.

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

Dt:15.03.2019

kdl

CHALLA KODANDA RAM, J

