

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10270 of 2019

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, seeks to declare the action of Respondents 2 and 3 in trying to seize the Lorry bearing No.AP 09 T 2045 without following due process of law and there being any authority of law, as arbitrary, illegal and contrary to the provisions of Andhra Pradesh Excise Act, 1968 and Articles 19(1)(g) and 21 of the Constitution of India and consequently, direct the respondents 2 and 3 not to seize the said lorry.

2. Heard arguments of learned counsel for the petitioner and Smt.A.Sunitha, learned counsel representing learned Government Pleader for Excise for respondents and perused the record.

3. It has been contended by the learned counsel for the petitioner that without there being any order of the competent Court or authority concerned, the respondents 2 and 3 are trying to seize the petitioner's lorry bearing No.AP 09 T 2045. It is also contended that no notice was issued prior to the attempt made.

4. In the course of submissions, it is brought to the notice of this Court that the subject vehicle i.e, Lorry bearing No.AP 09 T 2045 is the subject matter of the COR No.202 of 2016 on the file of S.H.O, Wardhannapet, Prohibition and Excise Station, Warangal. On a direction given by this Court in Criminal Revision Case No.1554 of 2016 dated 20.06.2016, interim custody of the

subject vehicle is entrusted. Smt. A. Sunitha, learned counsel representing learned Government Pleader for Excise could not substantiate whether there was any confiscation order of the Court or the authority concerned.

5. Under these circumstances, the respondents 2 and 3 shall not seize the subject vehicle i.e, lorry bearing No.AP 09 T 2045 without there being any order of the competent Court or authority concerned. They are entitled to do so in accordance with law.

6. With the above observations and directions, this writ petition is disposed of.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

Dr.JUSTICE SHAMEEM AKTHER

Date: 09.05.2019
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