

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 13857 of 2019

Date : 9.7.2019

Between:

Aimeera Dasru S/o Jayaram
aged about 48 years
Occ Agriculture R/o Gollabudharam Village Jayashankar
Bhupalpally Mandal Jayashankar Bhupalpally District
Petitioner

And

The State of Telangana
rep by its Principal Secretary Excise Department Secretariat
Hyderabad & others.

Respondents

The Court made the following:



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ORAL ORDER:

Questioning the seizure of Hero Splendor+ Motorcycle bearing Registration No. TS 25A-5301, in connection with C.O.R. No.174/2018 by the Station House Officer, Bhupalpally Prohibition and Excise Station, Jayashankar Bhupalpally District, the present Writ Petition is filed.

2. As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material and hence, it would be more appropriate to entrust the interim custody to an appropriate person.

3. If the petitioner approaches the 2nd respondent Deputy Commissioner of Prohibition & Excise, Warangal, with an application, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner on any nationalized bank payable at Warangal, in a sum of Rs.10,000/- (Rupees Ten Thousand only), the motor vehicle bearing Registration No. TS 25A-5301 may be entrusted for interim custody to the petitioner, provided he produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also his identity proof and furnishing an undertaking that he will keep the vehicle insured at all times and that he will keep it in good running condition by maintaining it regularly, and that he will not create any 3rd party interests or charge thereon and that he will not alienate the same. However, confiscation proceedings may go on. With this, the Writ Petition stands disposed of. No costs. Consequently, the miscellaneous applications, if any shall also stand disposed of.

P NAVEEN RAO,J

DATE: 9-7-2019
TVK

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