

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14444 OF 2019

Date: 16.07.2019

Between:

Pola Jagadeshwar s/o.Chandraiah,
Aged 38 years, occu: Kirana Business,
R/o. Padara Village of Ambrabad Mandal,
Nagarkurnool/Mahabubnagar district

.....Petitioner

and

State of Telangana, rep.by its Prl.Secretary,
Prohibition and Excise Department,
Secretariat, Hyderabad, TS and others.

.....Respondents



The Court made the following:

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ORDER:

By proceedings of the competent authority dated 01.06.2017, the vehicle of the petitioner was confiscated. On appeal preferred by the petitioner, the appellate authority modified the order of the original authority to the extent of penalty imposed and instead of confiscating the vehicle, imposed a fine of Rs.75,000/- and on payment of same, ordered for release of vehicle. It appears, petitioner has not paid the amount as ordered by the appellate authority. Therefore, further proceedings were issued on 22.12.2018. Thereon, petitioner again went to the appellate authority. The appellate authority confirmed the decision demanding the amount as ordered earlier. At this stage, present writ petition is filed.

2. It is seen from the order of appellate authority dated 31.10.2017 that having upheld the decision of the original authority, he exercised discretion to modify the punishment to that of fine, and I do not see any error in the said decision.

3. At this stage, learned counsel for petitioner submits that writ petition may be disposed of by granting two weeks time to deposit the amount as determined by the appellate authority, and on payment of said amount, to release the vehicle.

4. Learned Government Pleader points out that if vehicle was already not auctioned, petitioner may have the liberty to seek release of vehicle.

5. In view of the above submissions, Writ Petition is disposed of, with liberty to petitioner to file application before the competent authority for release of vehicle on payment of the amount as determined by the appellate authority. On filing such application and payment of amount determined by appellate authority, the vehicle may be released, within a period of two weeks thereafter, if the vehicle is not already auctioned. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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