

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.16077 OF 2019

Date: 31.07.2019

Between:

Banothu Sunil S/o.Laxma,
Aged about 25 yrs, R/o.H.No.5-43,
Pedda Ramoji Thanda, Malyala,
Mahabubabad District.

.....Petitioner

And

The State of Telangana,
rep. by its Prl. Secretary,
Revenue (Excise) Department,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Questioning the seizure of Glamour Motor cycle bearing Registration No. TS 03 EC 4650, in connection with C.O.R. No.259/2018 by the Station House Officer, Mahabubabad Prohibition and Excise Station, Mahabubabad 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 motorcycle bearing Registration No. TS 03 EC 4650, 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. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

31st July, 2019
Rds

