

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.1147 of 2020

ORDER:

This writ petition is filed seeking *Mandamus* to declare inaction of respondent Nos.2 & 3 in releasing the petitioner's vehicle, i.e., Hero Glamour motor cycle bearing No.TS-08-FD-2620, which was seized in relation to FIR No.131 of 2019, dated 08.11.2019 under Section 34 (e) of Telangana State Excise Act, 1995, on the file of respondent No.3, though the petitioner is ready to furnish the third party security, as illegal, arbitrary, and consequently, sought a direction to respondent Nos.2 & 3 to release the petitioner's Vehicle i.e. Hero Glamour motor cycle bearing No.TS-08-FD-2620, and pass such other order or orders.

2. Heard Smt T.Pushpa Rani, learned counsel for the petitioner and the learned Assistant Government Pleader for Home appearing for the respondents.

3. It is represented by the learned counsel for the petitioner that the issue raised in this Writ Petition is squarely covered by the orders of this Court, dated 18.11.2019, in W.P.No.24990 of 2019, which has been subsequently followed in W.P.No.26758 of 2019, dated 04.12.2019, and same is not disputed by the learned Assistant Government Pleader for Home.

4. Since the petitioner has not made any application before the concerned jurisdictional Deputy Commissioner of Prohibition and Excise, who is the competent authority to adjudicate into such matters, liberty is granted to the petitioner to make an application before the said authority for release of the vehicle. Upon filing of such an application by the petitioner, the said authority, *viz.*, Deputy Commissioner of Prohibition and Excise, shall consider and pass appropriate orders on the same for release of the vehicle, subject to providing security for the value of said vehicle as valued by the Motor Vehicle Inspector, within a period of two (02) weeks therefrom.

5. With the above direction, this Writ Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date: 21st January, 2020

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