

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1970 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents.

2. The prayer sought in the writ petition is as under:

‘... to issue a Writ or order or direction more particularly in the nature of Writ of certiorari by calling the orders passed by the 3rd respondent vide Cr.NO.B1,228/2019 Dated 10-6-2019 in COR NO.76 of 2019 Dated 3-4-2019 on the file of the 4th respondent declaring the action of the respondent No.3 who passed orders for release of vehicle Ashok Leyland bearing NO.TS07 UE 5645 imposed a condition depositing FDR RS.3,40,000/ from any Nationalized Bank instead of 3rd party property as security is illegal, unjust, arbitrary, unconstitutional, violation natural justice liable to set-aside, CONSEQUENTLY modify the impugned orders of the 3rd respondent vide Cr.NO B1,228/2019 Dated 10-6-2019 instead of bank FDR RS.3,40,000/ from any Nationalized Bank, further to release the vehicle by accepting any 3rd party property as security for release of the vehicle Ashok Leyland bearing NO. TS07 UE 5645 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.’

3. Learned counsel appearing for the petitioner submits that the condition imposed by the Deputy Commissioner of Prohibition and Excise, Mahabubnagar, in the impugned proceedings dated 10.06.2019 directing the petitioner to submit FDR for Rs.3,40,000/- from any Nationalized Bank situated in Telangana State in favour of the Deputy Commissioner of Prohibition and Excise, Mahabubnagar Division, is onerous and the petitioner is not able to provide the fixed deposits for the value as

assessed by the Assistant Motor Vehicle Inspector, Kalwakurthy, in his report dated 29.05.2019.

4. *Per contra*, learned Government Pleader submits that in cases where the immovable property security is being offered, the same property is being offered in many cases, whereby the Excise Department is defrauded.

5. Taking the said submissions into consideration, this Court is of the opinion that directing the petitioner to furnish fixed deposit for Rs.1,40,000/- obtained from any nationalized bank situated in the Telangana State and an immovable property security to the value of Rs.2,00,000/- in favour of the Deputy Commissioner of Prohibition and Excise, Mahabubnagar Division, would meet the ends of justice.

6. Accordingly, the writ petition is disposed of directing the petitioner to furnish fixed deposit for Rs.1,40,000/- (Rupees one lakh forty thousand only) from any nationalized bank situated in the Telangana State and an immovable property security to the value of Rs.2,00,000/- (Rupees two lakhs only) in favour of the Deputy Commissioner of Prohibition and Excise, Mahabubnagar Division. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHAHA RAO

Date: 04.02.2020

PGS