

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

MONDAY, THE EIGHTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6899 OF 2020

Between:

Katkam Satheesh, S/o. Katkam Rajalah, aged about 31 years, R/o. H.No.2-57,
Kasimpally Jangedu, Jai Shanker Bhupalpally District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue (Excise) Department, Secretariat, Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Warangal Division.
3. The Station House Officer, Bhupalpally Prohibition and Excise Station, Jaishanker Bhupalapally District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not passing directing the 3rd respondent to release the Tata Indigo Car bearing Reg. No TS-04-UA-8468 seized in C.O.R. No. 82/2020 inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, and arbitrary and consequently direct the 2nd respondent to order for release of the vehicle to the petitioner.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent herein to issue orders directing the 3rd respondent to release the Tata Indigo Car bearing Reg. No TS-04-UA-8468 (Model. 2015) seized in C.O.R.No. 82/2020, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI PILLIX LAW FIRM

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

On 07.04.2020, the petitioner submits, the 3rd respondent seized his vehicle bearing Registration No. TS 04 UA 8468 from the house of the driver and registered a case in COR No.82 of 2020 for the offence under Section 34(a) of the Excise Act, 1968 alleging that liquor bottles of different brands were detected therein.

The learned counsel for the petitioner submits that though his client is ready to furnish 3rd party security, the respondent officials have not released the vehicle for want of an order from a Court of law.

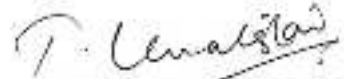
In view of the above, since the proceedings are initiated under the provisions of the Excise Act, it is appropriate to direct release of the vehicle, on certain terms.

The Writ Petition is accordingly, disposed of with a direction to the respondents to release TATA Indica Car (motor cab) bearing Registration No. TS 04 UA 8468 to the petitioner on his producing Fixed Deposit Receipt for Rs.50,000/- (Rupees Fifty thousand only) before the 2nd respondent. The petitioner shall furnish an undertaking that he will not alienate or change the physical features of the vehicle. The 2nd respondent shall also write to the RTA not to transfer the vehicle in favour of any third party without clearance from the Excise Department. The release of vehicle is in view of the peculiar situation existing on account of COVID-19, and the release shall be subject to the orders that shall be passed by the respondent authorities pursuant to the enquiry to be conducted under the provisions of Excise Act. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

Sd/- THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

// TRUE COPY//


REGISTRAR (JUDICIAL)

19/5


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise) Department, State of Telangana, Secretariat, Hyderabad.

2. The Deputy Commissioner of Prohibition and Excise, Warangal Division.
3. The Station House Officer, Bhupalpally Prohibition and Excise Station, Jaishanker Bhupalapally District.
4. One C.C. to Sri. Pillix Law Firm, Advocate [OPUC]
5. Two CCs to GP for Prohibition & Excise, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

Prk

HIGH COURT

CKRJ

DATED:18/05/2020

ORDER

WP. No. 6899 of 2020



Disposing of the WP,
without costs.