

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

TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 8801 OF 2020

Between:

Boda Sravanthi, w/o Boda Praveen, aged about 25 years, R/o.H.No. 5-53/1, Manikya Thanda, Yellaigudem, Chennaraopeta, Warangal.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue (Excise Department), Secretariat, Hyderabad.
2. The Deputy Commissioner of Proh. and Excise, Warangal Division.
3. The Station House Officer, Chennaraopet Police Station, Warangal 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 Aactiva Two Wheeler vehicle bearing Reg.No. TS-09- FC-0950 seized in Cr.No. 80/2020, 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 Aactiva Two Wheeler vehicle bearing Reg.No. TS-09-FC-0950 seized in Cr.No. 80/2020, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI LAXMAIAH KANCHANI

Counsel for the Respondent Nos. 1 & 2: GP FOR PROHIBITION EXCISE

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8801 of 2020

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent in not directing the 3rd respondent to release the petitioner's two-wheeled vehicle i.e. Activa bearing Registration No. TS 09 FC 0950 seized in connection with Crime No. 80 of 2020 on the file of the 3rd respondent, for the offence punishable under Section 34(e) of the A.P. Excise Act, 1968.

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

The case of the petitioner is that the subject vehicle was taken away by her husband and near the outskirts of Surpally Village, on 21.05.2020, the 3rd respondent seized the vehicle, though nothing was found therein, along with two other vehicles which were transporting white jaggery.

Though the subject vehicle was seized on the ground that it was carrying white jaggery, considering the fact that the proceedings initiated under the provisions of the Excise Act are pending, the vehicle can be released subject to certain terms.

The Writ Petition is accordingly, disposed of directing the respondents to release the subject vehicle bearing Registration No. TS 09 FC 0950 on the petitioner furnishing bank guarantee / Fixed Deposit Receipt (FDR) for Rs.10,000/- (Rupees ten thousand only) in favour of the 2nd respondent. The petitioner shall also furnish an undertaking that she will not alienate or change the physical features of the vehicle. The 2nd respondent shall write to the RTA not to transfer the vehicle in favour of any third party without

clearance from the Excise Department. Needless to say, release of the vehicle is subject to the orders that shall be passed by the respondent authorities pursuant to the enquiry to be conducted under the provisions of the Excise Act. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise Department), State of Telangana, Secretariat, Hyderabad.
2. The Deputy Commissioner of Proh. and Excise, Warangal Division.
3. The Station House Officer, Chennaraopet Police Station, Warangal District.
4. One CC to Sri Laxmaiah Kanchani, Advocate [OPUC]
5. Two CCs to GP For Prohibition & Excise, High Court for the State of Telangana. [OUT]
6. Two CCs to GP For Home, High Court for the State of Telangana [OUT]
7. Two CD Copies.

MP

HIGH COURT

DATED:23/06/2020

ORDER

WP.No.8801 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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29/06/2020