

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

FRIDAY, THE TWENTY SIXTH DAY OF JUNE
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 9123 OF 2020

Between:

Padmaraju Jayanti, W/o P.Sankar, aged about 43 years, R/o H.No.18-15,
TPT Road, Puttur, Chittoor District, A.P.

...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, Maripeda Police Station, Mahabubabad 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 Mini Lorry bearing Reg.No.AP-03-TD-1314 seized in Cr.No.101/2020, 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 Mini Lorry bearing Reg.No.AP-03-TD-1314 (Model. 1994 worth of Rs. 30,000/-) seized in Cr.No.101/2020.

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Counsel for the Petitioner: SRI. PILLIX LAW FIRM

Counsel for the Respondents: GP FOR PROHIBITION AND EXCISE

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9123 of 2020

ORDER:

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

The petitioner's Mini Lorry bearing registration No.AP-03-TD-1314 was seized by the 3rd respondent – SHO, Maripeda Police Station, Mahabubabad District, on 12.06.2020 on the allegation that the said vehicle was used for illegal transportation of jaggery, and registered a case in Crime No.101/2020.

Having considered respective submissions, as enquiry is required to be conducted, respondent No.2-Deputy Commissioner of Prohibition and Excise, Warangal Division, shall release the subject vehicle on the condition of the petitioner furnishing a Fixed Deposit Receipt (FDR) for a sum of Rs.50,000/- (Rupees Fifty thousand only) with the 2nd respondent. The petitioner shall also furnish an undertaking with the 2nd respondent that he shall not alienate or change the physical features of the vehicle. The 2nd respondent shall also write to the RTA authority to not transfer the vehicle on any third parties name without clearance from the Excise Department. The release of vehicle is in view of the 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 under the provisions of the Excise Act.

Subject to the above, the writ petition is disposed of. No costs.
Miscellaneous petitions, if any pending, shall stand closed.

**SD/- CH. VENKATESWAR
ASSISTANT REGISTRAR**

//TRUE COPY//

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, Maripeda Police Station, Mahabubabad District.
4. One CC to SRI. PILLIX LAW FIRM Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION EXCISE, High Court for the State of Telangana. [OUT]
6. Two CD Copies

CHR

HIGH COURT

DATED:26/06/2020

ORDER

W.P.No.9123 of 2020



**DISPOSING OF THE W.P.
WITHOUT COSTS**

[Handwritten signature]
29/06/2020