

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

WEDNESDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 18390 OF 2020

Between:

Anees Khan, S/o. Babu Khan, aged about 42 years, Occ: Labourer,
R/o. H. No. 14-15/167, Hasan Nagar, Rajendranagar, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Prohibition and Excise Department, Secretariat, Hyderabad.
2. The Commissioner, Prohibition and Excise, Govt. of Telangana, Office at M.J. Road, Hyderabad.
3. The Deputy Commissioner, Prohibition and Excise, Mahabubangar.
4. The Station House Officer, Excise Police Station, Katwakurthy Nagarkumool 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in not giving interim custody of the Goods Carriage (LMV) bearing registration No. TS07 UJ 0715 seized in crime No.12/2020 pending appeal before the 2nd respondent filed as against the confiscation order dated 14/09/2020 passed by the 3rd respondent, though the petitioner is nothing to do with the alleged crime in Crime No.12/2020 and further though the appeal with the substantial grounds raised by the petitioner is pending before the 2nd respondent, as illegal, Unlawful, contrary to law and consequently direct the 2nd and 3rd respondents to grant interim custody of the above vehicle to the petitioner subject to any condition pending appeal before the 2nd respondent filed as against the confiscation order of the 3rd respondent.

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 1st and 2nd respondents to give interim custody of the Goods Carriage (LMV) vide registration bearing No. TS07 UJ 0715 which is seized in crime No. 12/2020 dated 25-01-2020 on the file of the 4th respondent, pending appeal against the confiscation order before the 2nd respondent pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI. M. DAMODAR REDDY

Counsel for the Respondents: AGP FOR PROHIBITION EXCISE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.18390 of 2020****ORDER:**

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

2. Petitioner claims to be the owner of goods carriage vehicle bearing registration No.TS-07 UJ 0715. The said vehicle was seized on the allegation of excise crime in Crime No.12 of 2020 and confiscation proceedings resulted in confiscation of the vehicle by order dated 14.09.2020 by the Deputy Commissioner of Prohibition and Excise, Mahabubnagar. Aggrieved thereby, petitioner preferred appeal before the Commissioner, Prohibition and Excise on 05.10.2020. Along with appeal petition, petitioner also filed interim application to grant interim custody of the vehicle. Alleging there is no progress in the application filed by the petitioner to grant interim custody, this writ petition is filed.

3. A copy of the appeal along with interlocutory application is enclosed to the writ petition paper book. Having regard to the fact that petitioner already availed remedy of appeal against confiscation proceedings and also filed application for grant of interim custody, without entering into the merits of the claim, this writ petition is disposed of directing the Commissioner, Prohibition and Excise to dispose of interim application for grant of interim custody as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. Miscellaneous petitions, if any pending, stand closed.

//TRUE COPY//

SD/- I.NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Prohibition and Excise Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Prohibition and Excise, Govt. of Telangana, Office at M.J. Road, Hyderabad.
3. The Deputy Commissioner, Prohibition and Excise, Mahabubnagar.

4. The Station House Officer, Excise Police Station, Katwakurthy Nagarkurnool District.
5. One CC to Sri M. Damodar Reddy, Advocate [OPUC]
6. Two CCs to GP for Prohibition and Excise, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

CHR

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a diagonal stroke.

HIGH COURT

DATED:21/10/2020



ORDER

W.P.No.18390 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COTS

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MEMA
27/10/2020