HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY ,THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 22967 OF 2020

Between:

Donthula Shivaji, S/o. Shri D. Linganna, Aged, 29 years, Occupation: Cultivation, R/o. Suryapur, Kunthala Mandal, Nirmal District.

...PETITIONER

AND

1. The State of Telangana, represented by The Principal Secretary, Prohibition and Excise Department, Secretariat, Hyderabad.
2. The Deputy Commissioner, Prohibition and Excise, Adilabad Division, Adilabad, Adilabad 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 a Writ, Order or Directions, more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents herein as illegal, arbitrary, discriminatory, void, violative of the Rules issued by the Government from time to time and U/S. 2G r/w 40 of the A.P. Prohibition Act, 1995 (Telangana Adoption Act, 2015 and also violative of the Article 14 and 21 of the Constitution of India and consequently a) To call for the records pertaining to the Notice No.304/2020/P& Ex/B1, Dated 09.11.2020 issued by the Respondent No.2 and set aside b) To direct the Respondent No.2 herein to consider and pass appropriate orders on the PCOR.No.209 of 2020 on the file of the Respondent No.2 herein c) To direct the Respondents to release the TVS Jupiter Motor Cycle B.No.TS 18 E 4924 of the Petitioner herein, confiscated under the Registered COR No.209/2020, Dated 20.10.2020 U/s. 34(a) of A.P. Excise Act, 1968 (Telangana Adoption Order, 2015 and U/s. 13(2) of A.P. Prohibition Act, 1995 (Telangana Adaption Order, 12015 d) To award costs.

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 Respondents to release the TVS Jupiter Motor Cycle B.No.TS 18 E 4924 of the Petitioner herein.

Counsel for the Petitioner : SRI A. NAGENDRA RAO
Counsel for the Respondents: GP FOR PROHIBITION AND EXCISE
The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22967 of 2020

ORDER:

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

2. Petitioner claims to be the owner of TVS Jupiter Motor Cycle bearing registration No.TS 18 E 4924. In COR.No.209 of 2020 registered on 20.10.2020 under Section 34 (a) of Telangana Excise Act read with Section 13 (2) of Telangana Prohibition Act, vehicle was seized. On 09.11.2020 notice was issued calling upon the petitioner to show-cause why the vehicle should not be confiscated for the offence committed by him under the Telangana Excise Act and the Telangana Prohibition Act. According to learned counsel for petitioner on 09.12.2020, petitioner filed application to grant interim custody of the vehicle and also submitted his explanation. But, so far, no final orders are passed nor the interim custody of the vehicle was granted to the petitioner.

3. The so-called explanation offered by the petitioner or application to grant interim custody of the vehicle is not filed. However, since show-cause notice for confiscation was already issued and the time granted by the Deputy Commissioner to file explanation was over, this Court is not inclined to give direction at this stage to grant interim custody of the vehicle. The second respondent is directed to finalize the proceedings in pursuant to the notice issued on 09.11.2020 within four weeks. For any reason, the confiscation proceedings are not finalized within the time prescribed above, request of the petitioner to grant interim

custody of the vehicle with such conditions as may deem fit and proper by the Deputy Commissioner be imposed and be granted.

4. Accordingly, this writ petition is disposed of. Pending miscellaneous petitions shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Prohibition and Excise Department, State of Telangana, Secretariat, Hyderabad.
2. The Deputy Commissioner, Prohibition and Excise, Adilabad Division, Adilabad, Adilabad District.
3. One CC to Sri A. Nagendra Rao, Advocate [OPUC]
4. Two CCs to GP for Prohibition and Excise, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

sm

HIGH COURT

DATED:17/12/2020

ORDER

WP.No.22967 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

(7)
23/12/20