

**HONOURABLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION No.1525 OF 2021**

**ORDER** (ORAL):

This Writ Petition is filed to declare the action of respondent No.2 - Deputy Commissioner of Prohibition and Excise, Warangal Regional, Warangal District, in not passing orders directing respondent No.3 - Station House Officer, Mahabubabad Prohibition and Excise Station, Mahabubabad District, to release the petitioner's vehicle i.e., Ashok Leyland Lorry bearing Registration No.TN-52-H-0457 seized in C.O.R. No.437 of 2020 dated 03.11.2020 as illegal and arbitrary, and consequently to direct respondent No.2 to issue order for release of the said vehicle to the petitioner.

2. Heard Sri K. Mohan Rami Reddy, learned counsel for the petitioner, and learned Government Pleader for Prohibition and Excise. Perused the record.

3. The case of the petitioner is that he is registered owner of Ashok Leyland Lorry bearing Registration No.TN-52-H-0457, which is of the year 2014 make, and eking out his livelihood from the income derived from the said vehicle and engaged as driver to ply the said vehicle. He further submits that the 3<sup>rd</sup> respondent seized the said vehicle on the ground that the vehicle is used in transporting black jaggery.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2014 make and it is a goods vehicle. In proof of the same, he has filed a copy of the registration certificate. The contraband seized was 150 bags of black jaggery containing 50 KGs. each, 2 bags of alum containing 100 Kgs. each and 20 Liters of ID Liquor in (20) polythene covers. By referring the same, learned counsel for the petitioner submits that an amount of Rs.2,00,000/- could be reasonable amount towards security deposit for releasing of the vehicle.

5. Considering the fact that the petitioner is only transporting the goods in the course of his business and that he is eking out livelihood by running the vehicle, the vehicle can be released subject to further proceedings under the Excise Act, on certain terms.

6. Therefore, the Writ Petition is disposed of directing the respondents to release the vehicle i.e., Ashok Leyland Lorry bearing Registration No.TN-52-H-0457 subject to condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.2,00,000/- (Rupees two lakhs only) in favour of respondent No.2, the Deputy Commissioner of Prohibition and Excise, Warangal Region, Warangal District. The petitioner shall also furnish an undertaking that he will not alienate or change physical features of the subject vehicle. Respondent No.2 shall write to the R.T.A. authority 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

orders that shall be passed by respondent No.2's authority pursuant to the enquiry to be conducted under the provisions of the Excise Act.  
No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition stand closed.

**K. LAKSHMAN, J**

**February 22, 2021.**

**PV**

