

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.3043 OF 2021

ORDER:

This Writ Petition is filed to declare the action of the second respondent in not directing the third respondent to release the Auto bearing Registration No.AP-36-TB-1505 belonging to the petitioner seized in connection with Crime No.82 of 2020 registered for the offences punishable under Section 34(e) of the Telangana Excise Act, 1968.

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

3. The case of the petitioner is that he is the owner of the Auto bearing Registration No.AP-36-TB-1505, which was purchased in the year 2013 and eking out his livelihood from out of the income derived from it. He further states that the third respondent seized the vehicle on the ground that he is transporting 12.50 quintals of jaggery and 20 kgs of Alum.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2013 make and it is an auto. In proof of the same, he had filed copy of the registration certificate. By referring the same, learned counsel for the petitioner submit that an amount of Rs.20,000/- could be the reasonable amount towards security deposit for releasing of the vehicle.

5. Considering the fact that the petitioner is using the subject vehicle for eking out his livelihood, the vehicle can be released subject to further proceedings under the Act, on certain terms.

6. The Writ Petition is accordingly, disposed of directing the respondents to release the Auto bearing Registration No.AP-36-TB-1505 (2013 model) subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.20,000/- (Rupees twenty thousand only) in favour of the second respondent. The petitioner shall also furnish an undertaking that he will not alienate or change the physical features of the auto. The second respondent shall write to the RTA authority not to transfer the said auto in favour of any third party without clearance from the Excise Department. Needless to say, release of the said auto is subject to the orders that shall be passed by the second respondent authority pursuant to the enquiry to be conducted under the provisions of the Excise Act.

7. Subject to the above, the Writ Petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall also stand closed in the light of this final order.

K. LAKSHMAN, J

Date: 11.02.2021
TJMR