

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.3126 OF 2021

ORDER:

This Writ Petition is filed to declare the action of the second respondent in not directing the third respondent to release Ashok Leyland Dost bearing Registration No.TS-05-UC-6502 seized in connection with COR No.02 of 2020, for the offence punishable under Section 7(A) read with 8(e) of the AP Prohibition Act, Section 34(e) of the Telangana Excise Act, and Sections 3 and 4 of Guru Regulation of License order-1968 in spite of his readiness to furnish security.

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

3. The case of the petitioner is that he purchased the Ashok Leyland Dost bearing Registration No.TS-05-UC-6502 by availing financial assistance from HDB Finance Services Limited Hyderabad, and he is only transporting the goods in the course of his business by engaging a driver to ply it and therefrom eking out his livelihood from out of the income derived from the said vehicle. The 2nd respondent seized his vehicle on the ground that the vehicle was engaged for illegal transportation of black jaggery and Alum. If the vehicle is not released, he will have to face hardship in eaking out his livelihood and repayment of loan.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2018 make and it is a goods carriage- Light Motor Vehicle. In proof of the same, he has filed

copy of the registration certificate. By referring the same, learned counsel for the petitioner submit that an amount of Rs.10,000/- could be the reasonable amount towards security deposit.

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

6. The Writ Petition is accordingly, disposed of directing the respondents to release Ashok Leyland Dost bearing Registration No.TS-05-UC-6502 on the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.30,000/- (Rupees thirty 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 vehicle. The second respondent shall write to the RTA 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 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.

Pending Miscellaneous Petitions, if any, shall also stand closed in the light of this final order.

K. LAKSHMAN, J

Date: 11.02.2021

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