

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.9217 of 1998

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
17.	17.10.2022	<u>HCJ & CVBRJ</u> <u>I.A.No.1 of 2008 (Review W.P.M.P.No.19018 of 2008)</u> <u>in</u> <u>W.P.No.9217 of 1998</u> Heard Mr. K.Uday Kumar, learned Assistant Government Pleader for Prohibition & Excise for the review petitioners. The Commissioner of Prohibition & Excise and 2 others have filed Review Petition for reviewing the final order dated 23.02.2007 passed by the learned Single Judge allowing Writ Petition No.9217 of 1997 filed by the respondent as the writ petitioner. Respondent had filed the related writ petition assailing the order dated 04.03.1998 passed by the 1st appellant confirming the order dated 24.05.1997 passed by the 2nd appellant. Matter relates to confiscation of a vehicle being a Lorry bearing registration No.MP 14G 4289. The facts relating to filing of the	

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		writ petition were summed up by the learned Single Judge in the following manner: “The brief facts of the case are that the petitioner is the owner of the Lorry bearing No. MP14G 4289. When the lorry was proceeding to Tadepalligudem, East Godavari District, Andhra Pradesh, and when it reached Enkoor Police Station, Khammam District, the 3rd respondent checked and found it carrying liquor cartoons, and seized the stock and the vehicle. Thereafter, the 2nd respondent issued a Show Cause Notice to the petitioner as to why the vehicle and the contraband should not be confiscated under Section 13 of the A.P. Prohibition Act, 1995. Pursuant to the show cause notice, the petitioner submitted a detailed explanation stating that he specifically instructed the driver and the cleaner not to carry any liquor and he is no way responsible for commission of the alleged offence. Based on the explanation, the 2nd respondent passed his order dated 24.5.1997 confiscating the vehicle to the State. Pursuant to the order passed by this Court in W.P.No.9234 of 1996, the vehicle in question was released on	

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		condition that the petitioner furnishes bank guarantee and undertakes that he shall produce the vehicle as and when required for the purpose of enquiry. When the petitioner preferred an appeal to the 1st respondent against the order of the 2nd respondent, the 1st respondent confirmed the order of the 2nd respondent confiscating the lorry to the Government. Aggrieved by the same, this Writ Petition is filed.” Learned Single Judge relied upon a Full Bench decision of this Court in V.Narayana Rao v. State of A.P. [2002 (6) ALD 163 (FB)] and thereafter held that order of confiscation was illegal. 1st appellant ought not to have affirmed the order of confiscation. Thereafter, the writ petition was allowed and impugned orders were set aside. Learned Single Judge further noted that the confiscated vehicle was released during the pendency of the writ proceeding subject to respondent furnishing bank guarantee. In view of the quashing of the confiscation order, appellants were directed to revoke the bank guarantee.	

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		We have perused the grounds of review, but we do not find any good ground to review the aforesaid order. Consequently, Review Petition is dismissed. HCJ CVBRJ KL	

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