

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No. 24394 of 2022

ORDER:

Heard learned counsel appearing on behalf of petitioner and learned Government Pleaders for Prohibition & Excise and Home appearing on behalf of respondent Nos.1 & 2 and 3 respectively. With their consent, the present Writ Petition is being disposed of at the admission stage itself.

Questioning the action of the respondent No.2 – Deputy Commissioner of Prohibition & Excise, Warangal, in not passing orders for release of the petitioner's DCM Van bearing registration No.AP39 TM 1920 seized in relation to FIR.No.116 of 2022, the petitioner has filed the present Writ Petition.

When the matter is taken up, the learned counsel appearing on behalf of the petitioner has stated that the issue raised in the present Writ Petition is squarely covered by the

order dated 27.10.2021 passed by this Court in Writ Petition No.26865 of 2021.

The above said submission is not disputed by the learned Government Pleaders.

Having regard to the above and for the reasons alike in the order dated 27.10.2021 in Writ Petition No.26865 of 2021, this Writ Petition is also allowed directing the respondents to release the vehicle in question i.e., DCM Van bearing registration No.AP39 TM 1920 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.50,000/- (Rupees Fifty Thousand only) in favour of the respondent No.2. The petitioner shall also furnish an undertaking that he will not alienate or change the physical features of the subject vehicle. The respondent No.2 shall write to the RTA authority not to transfer the vehicle in question in favour of any third party without clearance from the Excise Department. Needless to say, release of the vehicle in question is subject to the orders that shall be passed by the

respondent authorities pursuant to the enquiry to be conducted under the provisions of the Excise Act.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

A. ABHISHEK REDDY, J

7th JUNE, 2022.

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