HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY ,THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 4606 OF 2024

Between:

Ankathi Raja Lingam, S/o. Chinna Rajam, Aged about 55 years, Occ Agriculture, R/o. H. No. 2- 3, Vemulakurthi Village, Ibrahimpatnam Mandal, Jagtial District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Prohibition and Excise) Department, Secretariat, Hyderabad
2. The Deputy Commissioner, Prohibition and Excise department, Adilabad Division, Adilabad.
3. The Station House Officer, Nirmal Proh and Excise Police Station, Nirmal.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of writ of mandamus, declaring the action of the Respondents in seizing the Petitioner vehicle Ford Figo Aspire Car Bearing Car No. TS 21 F 0957 vide FIR No. 205 of 2023 dated 22- 11- 2023 of P. S. Khanapur and the same was transferred to the Respondent no. 3 vide COR. No. 661/2023 dated 05- 12- 2023 for the offence U/s 34(e) of Telangana State Excise Act, 1968 as illegal, arbitrary and violation of principles of natural justice and consequently set aside the same

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to forthwith release the Petitioner Vehicle Ford Figo Aspire Car Bearing Car No. TS 21 F 0957 in connection with FIR No. 205 of

2023 dated 22- 11- 2023 of P. S. Khanapur and the same was transferred to the Respondent no. 3 vide COR. No. 661/2023 dated 05- 12- 2023 for the offence U/s 34(e) of Telangana State Excise Act, 1968, pending disposal of the above writ petition

Counsel for the Petitioner: SRI. ERRI RAVINDER REDDY

Counsel for the Respondents: GP FOR PROHIBITION EXCISE

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.4606 of 2024

ORDER:

This writ petition is filed to issue writ of mandamus declaring the action of the respondents in seizing the petitioner's vehicle i.e., Ford Figo Aspire Car bearing No.TS 21 F 0957 in F.I.R.No.205 of 2023, dated 22.11.2023 of P.S. Khanapur and the same was transferred to respondent No.3 *vide* C.O.R.No.661 of 2023, dated 05.12.2023, as illegal and arbitrary and for other reliefs.

2. The petitioner claims to be the registered owner of Ford Figo Aspire Car bearing No.TS 21 F 0957. The said vehicle was seized in Crime No.205 of 2023 and the same was transferred to respondent No.3 *vide* C.O.R.No.661 of 2023, dated 05.12.2023 registered for an offence punishable under Section 34 (a) of the Telangana Excise Act, 1968 (for short "the Act").

3. The contention of the learned counsel for the petitioner is that Section 45 of the Act provides that whenever an offence has been committed, which is punishable under the Act the things mentioned in Section

45 of the Act are liable for confiscation. Section 46 of the Act mandates the authority competent to seize the items mentioned in Section 45 of the Act to produce before the Deputy Commissioner of Prohibition and Excise. On production of the seized property, the Deputy Commissioner is required to conduct proceedings for confiscation and if he is satisfied that an offence is committed under the Act, he may order for confiscation of the property seized. The Deputy Commissioner is also authorised to conduct public auction or dispose of the property so confiscated. Against the order of the confiscation, an appeal would lie under Section 46-C of the Act. Learned counsel for the petitioner further submitted that this Court has passed several orders directing the respondents to release the seized vehicles subject to the petitioner depositing the value of the vehicles and also furnishing an undertaking that pending confiscation proceedings, the vehicle shall not be alienated.

4. Having regard to the consistent view taken by this Court, the petitioner is also entitled to relief of directing

respondents to release his vehicle. Accordingly, the writ petition is disposed of, with the following directions:-

(i) Pending final orders to be passed in confiscation proceedings, respondents are directed to release the Ford Figo Aspire Car bearing No.TS 21 F 0957 on petitioner furnishing fixed deposit receipt as proof of opening fixed deposit account for an amount of Rs.1,00,000/-.

(ii) The petitioner is further directed not to encash the fixed deposits or create lien or mortgage on the fixed deposits till the conclusion of confiscation proceedings.

(iii) The petitioner shall produce original R.C. Book of the vehicle at the time of release of the vehicle.

(iv) The petitioner shall furnish undertaking that he will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicle in the same good roadworthy condition without changing its major parts and features.

(v) The petitioner shall furnish undertaking that he should produce the vehicle as and when directed by the concerned Court or competent authority.

There shall be no order as to costs. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Prohibition and Excise) Department, Secretariat, T.S.,Hyderabad
2. The Deputy Commissioner, Prohibition and Excise department, Adilabad Division, Adilabad.
3. The Station House Officer, Nirmal Proh and Excise Police Station, Nirmal.
4. Two CCs to GP FOR PROHIBITION EXCISE ,High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to SRI. ERRI RAVINDER REDDY, Advocate [OPUC]
6. Two CD Copies

B M

HIGH COURT

DATED:22/02/2024



ORDER

WP.No.4606 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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