

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

WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 2293 OF 2026

Between:

Mulkala Harish, S/o. Yellaiah Aged about 34 years, Occ. Pvt Employee R/o.
H.No. 1-26, Ramachandrapur Village Koheda Mandal, District. Siddipet
Pincode-505528.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home (Excise) Department, Secretariat, Hyderabad
2. The Commissioner of Prohibition and Excise, Telangana State, Hyderabad.
3. The Superintendent of Police, Karimnagar District.
4. The Deputy Commissioner of Prohibition and Excise, Karimnagar District.
5. The Station House Officer, LMD Colony Police Station, Karimnagar District.

...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 5th Respondent in seizing the Petitioner's vehicle Mahindra XUV 500 Vehicle bearing Temporary Reg.no. TS-07-AMTR-5772 and Permanent Reg.no. TS-07-GJ-2205, in Crime No.442/2025 of LMD Colony Police Station, dated 09-12-2025, as illegal, arbitrary, and unconstitutional, being violative of Article 14, and 300A of the Constitution of India and consequently direct Respondent Nos. 3 to 5 to forthwith release the said vehicle.

IA NO: 1 OF 2026

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's vehicle i.e., Mahindra XUV 500 Vehicle bearing Temporary Reg.no. TS-07- AMTR-5772 and Permanent Reg.no. TS-07-GJ-2205 in Crime No.442/2025 of LMD Colony Police Station, pending disposal of the above writ petition, on such terms and conditions as this Hon'ble Court may deem fit and proper.

IA NO: 2 OF 2026

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 reduce the upset value fixed by motor vehicle inspector in the inspection report for the Petitioner's vehicle i.e., Mahindra XUV 500 Vehicle bearing Temporary Reg.no. TS-07- AMTR-5772 and Permanent Reg.no. TS-07- GJ-2205 in Crime No.442/2025 of LMD Colony Police Station, pending disposal of the above writ petition, on such terms and conditions as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: SRI KHAMMAM SRINIVAS

**Counsel for the Respondent No.1, 2 & 4: SRI A.JAGAN,
GP FOR PROHIBITION & EXCISE**

**Counsel for the Respondent No.3 & 5: SRI M.SRINIVAS, AGP, REP.
SRI MAHESH RAJE, GP FOR HOME**

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.2293 of 2026

DATED : 28-01-2026

Between :

Mulkala Harish.

... Petitioner.

And

The State of Telangana, represented
by its Principal Secretary,
Home (Excise) Department, Secretariat,
Hyderabad and others.

... Respondents.

ORDER :

The present writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking the following relief :

“...to declare the action of the 5th respondent in seizing the petitioner’s vehicle Mahindra XUV 500 vehicle bearing temporary registration No.TS 07 AMTR 5772 & permanent registration No.TS 07 GJ 2205 in Crime No.442 of 2025 of LMD Colony Police Station, dated 09.12.2025, as illegal, arbitrary and unconstitutional, being violative of Article 14 and 300A of the Constitution of India and consequently direct the respondent Nos.3 to 5 to forthwith release the said vehicle.....”

2. Heard Sri Khammam Srinivas, learned counsel for the petitioner, Sri A.Jagan, learned Government Pleader for Excise and Sri M.Srinivas, learned Assistant Government Pleader representing Sri Mahesh Raje, learned Government Pleader for Home.

3. The learned counsel for the petitioner submits that the petitioner is the absolute owner and lawful possessor of a Mahindra XUV 500 bearing Temporary Registration No.TS-07-AMTR-5772 and Permanent Registration No.TS-07-GJ-2205, duly registered with the competent Regional Transport Authority, Telangana and covered by valid statutory documents. On 09.12.2025, the 5th respondent registered Crime No.442 of 2025 of LMD Colony Police Station, Karimnagar District, under Section 34(a) of the Telangana State Excise Act, 1968, alleging illegal transportation of liquor. In connection therewith, the subject vehicle was seized along with certain liquor bottles and is presently kept in the open premises of the police station.

(a) The learned counsel for the petitioner further submits that the vehicle was given on rent for two days to a known driver and that the petitioner had no knowledge or involvement in the alleged illegal activity. Except for seizure, no confiscation proceedings have been initiated till date and no show-cause notice or order has been issued by the competent authority, as required under the Telangana State Excise Act.

(b) He further submits that despite the petitioner's readiness to furnish third-party surety, the 4th respondent has failed to issue orders for interim release of the vehicle, rendering the continued detention illegal and arbitrary. The vehicle, being kept in open custody,

is deteriorating rapidly, causing depreciation and mechanical damage. The petitioner is an owner-cum-driver and the subject vehicle is his sole source of livelihood. Continued detention has resulted in serious financial hardship. The upset value fixed at Rs.5,75,000/- is beyond the petitioner's capacity, as the vehicle was purchased through automobile finance and he belongs to a lower middle-class background. The continued retention of the vehicle without initiating confiscation proceedings or passing a reasoned order amounts to arbitrary exercise of power, violates principles of natural justice and results in unjust deprivation of the petitioner's right to property under Articles 14 and 300-A of the Constitution of India.

(c) In the absence of any alternative efficacious remedy, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Accordingly, the petitioner seeks issuance of a writ of mandamus declaring the seizure and continued detention of the vehicle in Crime No.442/2025 as illegal and unconstitutional and for a consequential direction to respondent Nos.3 to 5 to forthwith release the vehicle, in the interest of justice. The petitioner undertakes to fully cooperate with the investigation and to comply with any conditions that may be imposed in the event of release of the vehicle.

4. Sri A.Jagan, learned Government Pleader for Excise, reiterating the written instructions dated 26.01.2026 submitted by the Sub-Inspector of Police, LMD Colony Police Station, Karimnagar Commissionerate and opposing the present writ petition vehemently contended that the writ petition is misconceived and liable to be dismissed at the threshold. The seizure of the vehicle was effected strictly in accordance with law in connection with Crime No.442 of 2025 registered under Section 34(a) of the Telangana State Excise Act, 1968. On 09.12.2025, acting upon credible information, the police intercepted the subject Mahindra XUV 500 and apprehended the accused carrying a large quantity of liquor, namely 480 quarter bottles of Stag and 120 bottles of Kingfisher Premium Beer, without permit or authorization. The contraband and the vehicle were seized under a valid panchanama in the presence of independent mediators. Chemical analysis confirmed the seized material to be alcoholic liquor.

(a) A case was registered, investigation was conducted in accordance with law and upon completion thereof, a charge sheet has been filed before the competent Special Court. The seized property, including the vehicle, was duly deposited with the Deputy Commissioner of Police, Prohibition and Excise, Karimnagar, along with the valuation report. The allegation that the seizure is illegal, arbitrary or violative of Articles 14 and 300-A of the Constitution is wholly

unfounded. The vehicle was used in the commission of a cognizable offence under the Excise Act and its seizure is expressly authorized under the statute. No constitutional or statutory violation is made out.

(b) It is further submitted that a notice under Section 46-A of the Telangana State Excise Act, 1968, dated 21.01.2026, was issued to the petitioner prior to confiscation of the vehicle, calling upon him to appear before the Deputy Commissioner of Prohibition and Excise, Karimnagar Division, within fifteen (15) days from the date of receipt of the notice, either in person or through an advocate and to submit a written representation, if any, against the proposed confiscation. However, the petitioner has neither approached the competent authority, namely the 4th respondent, seeking release of the vehicle nor exhausted the statutory remedies available under the Excise Act. Without availing such alternative remedies, the petitioner has directly invoked the extraordinary jurisdiction of this Court, which is impermissible. Hence, the present writ petition is liable to be dismissed.

5. Having considered the submissions of the learned counsel for the petitioner and the learned Government Pleader for Excise and upon perusal of the material placed on record, this Court is of the considered view that the statute provides an efficacious remedy to the petitioner under the provisions of the Telangana State Excise Act, 1968. Though the learned Government Pleader contends that a notice under

Section 46-A of the Act dated 21.01.2026 has been issued proposing confiscation of the subject vehicle, it is specifically asserted by the learned counsel for the petitioner that the said notice has not yet been served upon or received by the petitioner and therefore, he has not been afforded an effective opportunity to submit his explanation before the competent authority. At the same time, it is not in dispute that the competent authority for considering the petitioner's explanation and for passing appropriate orders, including on the issue of interim release of the vehicle, is the 4th respondent. In view of the availability of such statutory remedy, the invocation of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, at this stage, is not warranted. However, considering the fact that the vehicle is lying in open custody and that prolonged detention may result in deterioration and depreciation and that the subject vehicle is the sole source of livelihood of the petitioner, this Court deems it appropriate to grant limited liberty to the petitioner.

(a) Accordingly, the petitioner is directed to approach the 4th respondent and submit his explanation and/or make an appropriate application seeking interim release of the vehicle viz. Mahindra XUV 500 vehicle bearing temporary registration No.TS 07 AMTR 5772 & permanent registration No.TS 07 GJ 2205 in connection with Crime No.442 of 2025 of LMD Colony Police Station, dated 09.12.2025. Upon such application being made, the 4th respondent shall consider and

examine the case of the petitioner in accordance with law and if found appropriate, release the said vehicle on interim custody, subject to the petitioner executing a Fixed Deposit Receipt (FDR) for a sum of Rs.50,000/- (Rupees fifty thousand only). The petitioner shall not encash the said fixed deposit or create lien or mortgage on the fixed deposit during pendency of the case. The petitioner shall produce original R.C.Book of the subject vehicle at the time of release of the vehicle. The petitioner shall furnish an 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. The petitioner shall also give an undertaking that he will produce the vehicle as and when directed by the concerned Court or competent authority.

6. With the above observations and directions, the present writ petition is disposed of. No costs.

7. Interlocutory applications, if any pending, shall also stand closed.

//TRUE COPY//

SD/- P.PONNA KRISHNA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Home (Excise) Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner of Prohibition and Excise, Telangana State, Hyderabad.
3. The Superintendent of Police, Karimnagar District.
4. The Deputy Commissioner of Prohibition and Excise, Karimnagar District.
5. The Station House Officer, LMD Colony Police Station, Karimnagar District.
6. One CC to SRI KHAMMAM SRINIVAS, Advocate [OPUC]

7. Two CCs to GP FOR PROHIBITION & EXCISE, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR

A handwritten signature in black ink, appearing to be 'J. K. S.', written over a horizontal line.

HIGH COURT

DATED: 28/01/2026

ORDER

WP.No.2293 of 2026



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

(13)

lcpf
6/2/26.