

(2021) 07 TEL CK 0008
In the Telangana High Court
Case No : Writ Petition No. 16532 Of 2021

Angoth Shivaji

APPELLANT

Vs

State Of Telangana And 2 Others

RESPONDENT

Date of Decision : 22-07-2021

Acts Referred:

Telangana Excise Act, 1968 — Section 34(e)

Citation : (2021) 07 TEL CK 0008

Hon'ble Judges : K. Lakshman, J

Bench : Single Bench

Advocate : Laxmaiah Kanchani

Final Decision : Disposed Of

Judgement

1. This Writ Petition is filed to declare the action of the 2nd respondent in not directing the 3rd respondent to release Auto Rickshaw bearing registration No.TS-26- T-1883(2015 make) belonging to the petitioner seized in connection with Crime No.113 of 2021 for the offences punishable under Section 34(e) of the Telangana Excise Act, 1968, as illegal and arbitrary.
2. Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.
3. The case of the petitioner is that he is the owner of the Auto Rickshaw bearing registration No.TS-26- T-1883, which was purchased in the year 2015, and eking out his livelihood from out of the income derived from it. He further states that the 3rd respondent seized the vehicle on the ground that he is transporting 5 quintals of black jaggery and 50 kgs of Alum.
4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2015 make and it is an auto. In proof of the same, he had

filed copy of the registration certificate. By referring the same, learned counsel for the petitioner submit that an amount of Rs.20,000/- could be the reasonable amount towards security deposit for releasing of the vehicle.

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

6. The Writ Petition is accordingly, disposed of directing the respondents to release Auto Rickshaw bearing registration No.TS-26-T-1883 (2015 model) subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.20,000/- (Rupees Twenty thousand only) in favour of the 2nd

respondent. The petitioner shall also furnish an undertaking that he will not alienate or change the physical features of the said vehicle. The 2nd

respondent shall write to the RTA authority not to transfer the said vehicle in favour of any third party without clearance from the Excise Department.

Needless to say, release of the said vehicle is subject to the orders that shall be passed by the 2nd respondent authority pursuant to the enquiry to be conducted under the provisions of the Excise Act. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand closed.