
(2021) 07 TEL CK 0019
In the Telangana High Court
Case No : Writ Petition No. 16815 Of 2021

D. Sharadha

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 22-07-2021

Acts Referred:

Telangana Excise Act, 1968 — Section 34(e)

Citation : (2021) 07 TEL CK 0019

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 Tata Ace Mega XL Goods

Carriage-LMV bearing No.AP 03 TH 1313 (2017 make) belonging to the petitioner seized in connection with Crime No.119 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 she is the owner of the Auto Tata Ace Mega XL Goods Carriage-LMV bearing No.AP 03 TH 1313, which was

purchased in the year 2017, and eking out her livelihood from out of the income derived from it. She further states that the 3rd respondent seized the

vehicle on the ground that accused persons are transporting 25 quintals of black jaggery and 25 kgs of Alum.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is

of the year 2017 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 vehicle of the petitioner is found transporting the goods in the course of business and that petitioner is eking out her 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 Tata Ace Mega XL Goods Carriage-LMV bearing No.AP

03 TH 1313 (2017 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 she 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.