

(2022) 06 TEL CK 0078
In the Telangana High Court
Case No : Writ Petition No. 26192 Of 2022

Shaik Rahamtulla

APPELLANT

Vs

State Of Telangana And 2 Others

RESPONDENT

Date of Decision : 21-06-2022

Acts Referred:

Telangana Excise Act, 1968 — Section 46

Citation : (2022) 06 TEL CK 0078

Hon'ble Judges : T. Vinod Kumar, J

Bench : Single Bench

Advocate : Mungala Narayana Rao

Final Decision : Disposed Of

Judgement

1. This Writ Petition is filed seeking a Writ of Mandamus to declare the action of the respondent authorities in not releasing the petitioner's vehicle i.e., Ashok Leyland Goods Carriage Vehicle bearing registration No.AP 39 TQ 8730, seized in connection with COR.No.35 of 2022 on the file of 3rd respondent, in spite of readiness of the petitioner to furnish the third party surety, as illegal arbitrary.

2. Heard counsel for the petitioner, learned Government Pleader for Proh. & Excise appearing for respondents and with their consent, the Writ Petition is taken up for hearing and disposal at the stage of admission.

3. Petitioner contends that his vehicle, i.e., Ashok Leyland Goods Carriage Vehicle bearing registration No.AP 39 TQ 8730, was seized by the 3rd respondent alleging that it is being used for transportation of ID liquor and upon such seizure, a case vide COR No.35 of 2022, has been registered. Petitioner further contends that in spite of his approaching the 2nd and 3rd respondents and offering to give third party security, the respondent authorities are not releasing the subject vehicle and aggrieved by the said inaction of the respondent authorities, the petitioner is before this Court.

4. Learned Government Pleader, on the other hand, submits that the subject

vehicle is seized in connection with a crime registered in COR.No.35 of 2022, wherein it was found that the subject vehicle was being used for transporting ID liquor which is prohibited under the Telangana Excise Act, 1968 (for short, 'the Act'). Further, while denying the writ averments, he would further submit that if the petitioner approaches the 2nd respondent authority by making an application under Section 46 of the Act, the authorities would consider the same.

5. Learned Government Pleader has also brought to the notice of this Court a similar order passed in W.P.No.15264 of 2022, dated 25.03.2022, wherein this Court directed the petitioner therein to approach the Deputy Commissioner of Prohibition and Excise, by making an application and with a further direction to dispose of the said application in a time bound manner.

6. Since, in the present case, the petitioner is similarly situated and for the reasons alike as were stated in the order dated 25.03.2022 passed in W.P.No.15264 of 2022, the petitioner is directed to approach the 2nd respondent by making an application under Section 46 of the Act seeking release of Ashok Leyland Goods Carriage Vehicle bearing registration No.AP 39 TQ 8730 seized in connection with COR No.35 of 2022 on the file of 3rd respondent, and on such application being filed seeking release of the subject vehicle, the said authority shall consider and dispose of the same in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of the application.

7. Subject to the above, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.