

(2012) 10 KL CK 0083

In the High Court Of Kerala

Case No : W.A. No. 1837 of 2012 in WPC/20761 of 2012

Viswambharan

APPELLANT

Vs

The Excise Inspector, Excise Range Office, Palakkad - 678001
and The Deputy Commissioner of Excise, Palakkad - 678001

RESPONDENT

Date of Decision : 15-10-2012

Acts Referred:

Citation : (2012) 10 KL CK 0083

Hon'ble Judges : Thottathil B. Radhakrishnan, J; A.V. Ramakrishna Pillai, J

Bench : Division Bench

Advocate : C.C. Thomas, Sri. M.G. Karthikeyan and Sri. Nireesh Mathew, for the Appellant; Sujith Mathew Jose, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—This writ appeal is filed against the judgment, by which the learned Single Judge has refused to order interim release of the vehicle of the petitioner pending confiscation proceedings under the provisions of the Abkari (Disposal of Confiscated Articles) Rules, 1996 (Kerala). It is pointed out by the learned Government Pleader that the Deputy Excise Commissioner, Palakkad, has issued proceedings dated 09/10/2012 ordering confiscation of the Mahindra Bolero vehicle involved in the excise offence concerned. With that, we are of the view that the High Court should not further deliberate on the question of any interim release pending confiscation proceedings. The owner of the vehicle may have a right of appeal under the Abkari Act against the confiscation order. It is for him to seek interlocutory orders from the appellate authority concerned. Subject to the aforesaid, this writ appeal is dismissed.