

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF JUNE TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 24322 OF 2022

Between:

Vankuduth Bhasker, S/o. Devula.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Excise Department, Secretariat, Hyderabad - 500 004.
2. The Deputy Commissioner of Prohibition and Excise, Warangal.
3. The Station House Officer, PS Neckonda, Warangal 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 a writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents in not releasing the Car bearing No. AP20 TB 5378, CHEVROLET TAVERA NE03 seized in Cr. No. 82/2021 of PS Neckonda to the petitioner as arbitrary, illegal and violative of articles 14 and 21 of the Constitution of India and consequently direct the respondent No.2 to decide such petitions for release of vehicles by expressing his authority under the statutory.

IA NO: 1 OF 2022

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 grant interim directions directing the respondent No 2 to release the Car AP20 TB 5378, CHEVROLET TAVERA NE03 seized in Cr. No. 82/2021 to the petitioner pending disposal of WP 24322 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri C M R VELU, Advocate for the Petitioner, GP FOR PROHIBITION & EXCISE for the Respondent Nos.1 & 2 and GP for Home, for the Respondent No.3, the Court made the following.

ORDER:

Learned Counsel for the Petitioner would contend that the petitioner had sought to file application u/s. 46 of TS Excise Act with the 2nd respondent seeking interim custody of the Vehicle and the said application was refused to be received. The copy of the said application is made part of the material papers in the Writ petition. In view of the above assertion, the Learned Government Pleader for Prohibition & Excise is directed to forward the

application of the petitioner dated 05.03.2022 seeking interim custody of the vehicle bearing registration No. AP 20TB 5378 to the 2nd respondent in the Writ Petition forthwith, who shall take necessary action thereon within a period of one week from today.

List on 20.06.2022

//TRUE COPY//

Sd/-K.SHYLESHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Excise Department, State of Telangana, Secretariat, Hyderabad - 500 004.
2. The Deputy Commissioner of Prohibition and Excise, Warangal.
3. The Station House Officer, PS Neckonda, Warangal District. (1 to 3 by RPAD)
4. One CC to SRI C M R VELU Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION & EXCISE, High Court at Hyderabad.
[BY SPECIAL MESSENGER]
6. Two CCs to GP FOR Home, High Court at Hyderabad. [OUT]
7. One spare copy

mvj

HIGH COURT

TVK,J

DATED:13/06/2022

LIST ON 20-06-2022

ORDER

WP.No.24322 of 2022

DIRECTION

