

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE TWENTY THIRD 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, Aged 35 years, Occ. Private Service, R/o. C-19, Ragadi Thanda, Nellikudur, Mahbubabad District.

...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 the Writ petition.

Counsel for the Petitioner : SRI. C M R VELU

Counsel for the Respondent No 1 & 2 : GP FOR PROHIBITION EXCISE

Counsel for the Respondent No 3 : GP FOR HOME

The Court made the following : ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.24322 of 2022

ORDER:

The main grievance of the petitioner in the present Writ Petition is non-acceptance and disposal of the application dt.05.03.2022 filed by him under Section 46 of the TS Excise Act (for short, 'the Act').

2. When the matter was taken up for hearing on 13.06.2022, on the submission being made by the learned counsel for the petitioner, this Court directed the learned Government Pleader for Prohibition and Excise to forward a copy of the said application of the petitioner dt.05.03.2022, as filed in the Writ Petition, to the concerned authority and the said authority was directed to dispose of the application filed by the petitioner under Section 46 of the Act within one week.

3. Today, when the matter is taken up, learned Government Pleader has placed before this Court the proceedings of the 2nd respondent in Cr.No.346/2022/PE/B2, dt.21.06.2022, whereby the application of the petitioner filed under Section 46 of the Act has been considered and disposed of by the said authority.

4. Having regard to the same, since the 2nd respondent has now passed order on the application filed by the petitioner under Section 46 of the Act vide proceedings in Cr.No.346/2022/PE/B2, dt.21.06.2022,

the grievance of the petitioner in the present Writ Petition stands redressed. However, it is made clear that if the petitioner is aggrieved by the said order, he may avail appropriate remedy in accordance with law.

5. Subject to the above observation, the Writ Petition is closed.

No order as to costs.

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

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Excise Department, Secretariat, State of Telangana, Hyderabad - 500 004.
2. The Deputy Commissioner of Prohibition and Excise, Warangal.
3. The Station House Officer, PS Neckonda, Warangal District.
4. One CC to SRI. C M R VELU Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION EXCISE, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare Copy



MSL

HIGH COURT
DATED : 23/06/2022

ORDER

WP.No. 24322 of 2022



Closing
~~CLOSING~~
~~DISPOSING~~
**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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Sm
14/11/22