
Kavati Ravi Vs State Of Telangana

Writ Petition No. 26080 Of 2022

Court: High Court For The State Of Telangana:: At Hyderabad

Date of Decision: June 20, 2022

Acts Referred:

Telangana Excise Act, 1968 " Section 46

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 2nd respondent in not directing the 3rd respondent to release

Two Wheeler Vehicle bearing Registration No.TS 29 3387, seized in connection with COR No.16 of 2022 on the file of Prohibition and Excise Police

Station, Suryapet, in spite of readiness of the petitioner to furnish the third party surety, as illegal, arbitrary and unconstitutional.

2. Heard counsel for the petitioner, learned Government Pleader for Excise appearing for respondent Nos.1 to 3 and with their consent, the Writ

Petition is taken up for hearing and disposal at the stage of admission.

3. Petitioner contends that he is the owner of the vehicle and on the day when the said vehicle was seized by the respondents-authorities as being

involved in illegal transportation of ID, he was attending to his personal work, whereupon the respondents have registered a case in COR No.16 of

2022 on the file of Prohibition and Excise Police Station, Suryapet; and that the petitioner is willing to furnish a third party security to the extent of the

value of the vehicle and in spite of the readiness expressed by him, the respondents, in particular the 2nd respondent, is not directing the 3rd

respondent to release the said vehicle and the said action of the respondents' authorities in seizing the vehicle and keeping it in open space, resulting

in damage to the said vehicle, is contrary to the judgment of the Hon'ble Supreme Court in Sunderbhai Ambalal Desai V/s. State of Gujarat (2002)

10 SCC 283.

4. Learned Government Pleader, on the other hand, submits that in terms of the provisions of Section 46 of the Telangana Excise Act, 1968 (for short,

the Act), the petitioner can approach the respondents-authorities, in particular the 2nd respondent, and make an application seeking release of

the vehicle, which would be considered by the said authority.

5. Learned Government Pleader has also brought to the notice of this Court a similar order passed in W.P.No.14663 of 2020, dated 03.09.2020,

wherein this Court directed the petitioner therein to approach the 2nd respondent, i.e. the Deputy Commissioner, by making an application and on such

application being made, directed the said authority to consider the said application within a time frame.

6. Since in the present case the petitioner is similarly situated and for the reasons alike as were stated in the order dated 03.09.2020 passed in

W.P.No.14663 of 2020, the petitioner is directed to approach the 2nd respondent by making an application under Section 46 of the Act seeking release

of two wheeler vehicle bearing registration No.TS 29 3387 seized in connection with COR No.16 of 2022 on the file of Prohibition and Excise Station

Police Station, Suryapet, 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. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to

costs.