

(2014) 09 AP CK 0011

Andhra Pradesh High Court

Case No: Writ Petition No. 27250 of 2014

Mekala Satyanarayana

APPELLANT

Vs

Government of Telangana

RESPONDENT

Date of Decision: Sept. 16, 2014

Acts Referred:

- Andhra Pradesh Prohibition Act, 1995 - Section 13

Citation: (2014) 6 ALT 433

Hon'ble Judges: Nooty. Ramamohana Rao, J

Bench: Single Bench

Advocate: P.V. Krishnamachary, Counsel, Advocate for the Appellant

Judgement

@JUDGMENTTAG-ORDER

Nooty Ramamohana Rao, J.

It is brought to my notice by the learned counsel for the petitioner that the Deputy Commissioner of Prohibition & Excise, Khammam, through his proceedings, dated 01.06.2014, directed the petitioner to produce the auto rickshaw bearing Registration No. AP 20 TB 6287, as the confiscation orders of the said vehicle were passed on 10.02.2014 and were communicated to the petitioner also. This order, according to the learned counsel for the petitioner, is unsustainable, inasmuch as no notice of confiscation proceedings and inquiry there into has been served on the petitioner nor was the confiscation order served on the petitioner. Learned Assistant Government Pleader for Prohibition & Excise (Telangana), upon instructions, would submit that confiscation order dated 06.02.2014 has in fact, been delivered to the petitioner on 10.02.2014. Therefore, the factual assertion of the petitioner in that regard is not correct.

2. Be that as it may, I had an occasion to deal with the powers and duties of the Deputy Commissioner of Prohibition & Excise with regard to the confiscation of motor vehicles involved in Prohibition & Excise offences and their release. In

judgment rendered in Writ Petition No. 15375 of 2014, on 11.06.2014, I had noticed that Section 13 of the Prohibition Act, 1995 empowered the Deputy Commissioner to accept such sum of money in lieu of confiscation of the motor vehicle and release the same to its true owner. I have also recorded in the course of the said judgment, the efficacy of following the said Rule. Similarly, I have also considered the effect of the provisions contained in the A.P. Prohibition Act and the A.P. Excise Act as well as the Criminal Procedure Code with regard to the confiscation of the motor vehicles reasonably suspected of involvement in excise offences.

3. In view of the reasons assigned in those two judgments, I consider it appropriate to dispose of this Writ Petition, preserving liberty to the petitioner to approach the Deputy Commissioner of Prohibition & Excise, Khammam, by an appropriate Application to accept money in lieu of confiscation order of the motor vehicle and release the same to the petitioner upon his producing the proof of ownership of the said vehicle. It is for the Deputy Commissioner to deal with such application and pass appropriate orders, within a maximum period of 30 days from the date of receipt of any such Application.

4. With this, the Writ Petition stands disposed of. No costs. Consequently, the miscellaneous applications, if any shall also stand disposed of.