

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

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 20347 OF 2021

Between:

Boda Naresh, S/o Boda Jaggu aged 27 years, Occ- Owner of the vehicle,
R/o. Anepuram Village, Maripeda Mandal, Mahabubabad District

...PETITIONER

AND

1. The Commissioner of Prohibition and Excise, State of Telangana, Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Warangal Division,
Warangal District
3. The Sub Inspector of Police, P.S. Maripeda, Mahabubabad

...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 action of the respondents in not releasing the petitioner Dost Goods Carriage LMV bearing Registration No. TS 26 TA 0114 which was seized in Crime No.113/2021 of P.S. Maripeda instead of readiness of the petitioner in furnishing solvency certificate, as being illegal, and arbitrary and consequently direct the 2nd respondent to order for release of the Goods Carriage LMV bearing Registration No. TS 26 TA 0114 to the petitioner and to grant such other relief or reliefs as this Honble Court may deems fit and proper in the circumstances of the case.

IA NO: 1 OF 2021

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 direct the 3rd respondent to order for release of the petitioner's vehicle Goods Carriage LMV bearing Registration No. TS 26 TA 0114 which was seized in Crime No.113/2021 of Maripeda Police Station, Mahabubabad, pending disposal of the writ petition.

Counsel for the Petitioner : SRI Y. BALA MURALI

Counsel for the Respondent Nos.1 & 2: GP FOR PROHIBITION AND EXCISE

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20347 OF 2021

ORDER:

This writ petition is filed for the following relief:

“... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the petitioner Dost Goods Carriage LMV bearing Registration No. TS 26 TA 0114 which was seized in Crime No.113/2021 of P.S Maripeda instead of readiness of the petitioner in furnishing solvency certificate as being illegal and arbitrary and consequently direct the 2nd respondent to order for release of the Goods Carriage LMV bearing Registration No.TS 26 TA 0114 to the petitioner and to grant such other relief or reliefs as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

02. Heard Sri Y.Bala Murali, learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 and 2 and learned Government Pleader for Home appearing for respondent No.3.

03. It is brought to the notice of this Court that in a case with identical facts, this Court disposed of many writ petitions. Admittedly, the subject vehicle of the petitioner was seized on the ground that it was transporting jaggery and patika for selling the same to liquor manufacturers.

04. Therefore, inasmuch as transportation of jaggery, which was seized, is not prohibited under any law, pending disposal of the confiscation proceedings, the writ petition is disposed of with a direction to the respondent authorities to release Dost Goods Carriage LMV bearing Registration No.TS 26 TA 0114 seized in Crime No.113 of 2021 of Maripeda Police Station to the petitioner for interim custody subject to the final orders to be passed in the confiscation proceedings, if any, on his furnishing Fixed Deposit for a sum of Rs.1,00,000/- (Rupees one lakh only) and also on production of the original R.C. Book and on his further giving an undertaking that he would not transfer or alienate the vehicle to third party in any manner and would maintain the vehicle in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed before any Court or competent authority.

Pending Miscellaneous Petitions, if any, shall also stand closed.

//TRUE COPY//

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner of Prohibition and Excise, State of Telangana, Hyderabad
2. The Deputy Commissioner of Prohibition and Excise, Warangal Division, Warangal District
3. The Sub Inspector of Police, P. S. Maripeda, Mahabubabad
4. One CC to Sri Y. Bala Murali, Advocate [OPUC]
5. Two CCs to GP for Prohibition and 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

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HIGH COURT

DATED:31/08/2021

ORDER

WP.No.20347 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

(11)

14/9/21