

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

THURSDAY, THE TWENTY FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 13473 OF 2023

Between:

Saurabh S Shetty, S/o Shekhar Shetty, Aged about 29 years, Occ. Business, R/o 204/B morar Ashish, Eastern Express Highway, Near Nitin Company, Thane West, Thane, Wagle I.E., Maharashtra 400604. Rep by his Power of Attorney holder Bansode Sachin Vijay.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Prohibition and Excise Department T.S. Secretariat Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Medchal, Malkajgiri District.
3. The Station House Officer, Prohibition and Excise Police Station, Balanagar, Medchal, Malkajgiri 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 Writ, Order or Direction especially one in the Nature of Writ of Mandamus declaring the action of the 2nd respondent in not releasing the petitioner's contract carriage Bus bearing No. KA 51 AB 3628 seized in Crime (COR) No.30/2023 inspite of readiness of the petitioner to furnish third party surety is illegal and arbitrary and consequently direct the respondents 2 & 3 to release the petitioners contract carriage Bus bearing No. KA 51 AB 3628.

IA NO: 1 OF 2023

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 respondents 2 & 3 to release the petitioner's contract carriage Bus bearing No. KA 51 AB 3628 forthwith, pending disposal of the main writ petition.

Counsel for the Petitioner: SRI CH. RAVINDER

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.13473 OF 2023

ORDER:

This Writ Petition is filed seeking a writ of mandamus to declare the action of the 2nd respondent in not releasing the petitioner's contract carriage Bus bearing No.KA-51-AB-3628 seized in Crime (COR) No.30/2023 inspite of readiness of the petitioner to furnish third party surety is illegal and arbitrary and consequently direct the respondent Nos.2 and 3 to release the petitioner's contract carriage Bus bearing No. and pass such other order or orders.

2. Heard Sri Ch.Ravinder, learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

3. Learned counsel for the petitioner submitted that the issue raised in the present Writ petition is squarely covered by the order passed by this Court in W.P.No.5480 of 2021 dated 09.03.2021.

4. Learned Government Pleader for Prohibition and Excise did not oppose the said submission.

5. Therefore, for reasons alike, this Writ Petition is also disposed of at the admission stage with a direction to the respondents to release the bus bearing No. KA-51-AB-3628 in favour of the petitioner subject to his furnishing a Fixed Deposit Receipt (FDR) for a sum of Rs.1,00,000/- (Rupees One Lakh Only) in favour of respondent No.2-the Deputy Commissioner, Prohibition and Excise Department, Medchal-Malkajgiri District. The petitioner/Owner of the bus shall also furnish an undertaking that he will not alienate or change physical feature of the subject vehicle. Respondent No.2 shall write to the R.T.A. authority not to transfer the vehicle in favour of any third party without clearance from the Excise Department. Needless to say, release of the bus is subject to orders that shall be passed by respondent No.2 pursuant to the enquiry to be conducted under the provisions of the Excise Act. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SDI-K.VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Prohibition and Excise Department The State of Telangana, T.S. Secretariat Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Medchal, Malkajgiri District.
3. The Station House Officer, Prohibition and Excise Police Station, Balanagar, Medchal, Malkajgiri District.
4. One CC to SRI CH. RAVINDER, Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION & EXCISE, High Court for the State of Telangana. [OUT]
6. Two CD Copies

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BS

Cot

HIGH COURT

VACATION COURT

DATED:25/05/2023

ORDER

WP.No.13473 of 2023

**DISPOSING OF THE WRIT PETITION
AT THE ADMISSION STAGE
WITHOUT COSTS**

9
25/05/2023
26/05/2023