

THE HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION No.17525 of 2021

ORDER :

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Prohibition & Excise appearing for the respondents. Perused the material available on record and with the consent of both the parties, the writ petition is disposed of at the stage of admission.

2. The case of the petitioner is that he is the owner of the vehicle bearing No.AP 39 TK 7999. This said vehicle is used for transportation of goods. On 21.07.2021, the 5th respondent seized the said vehicle alleging illegal transportation of some liquor bottles and registered a case in Crime No.264 of 2021, dated 21.07.2021. The 5th respondent submitted a report before the 3rd respondent, who is competent authority to confiscate the seized vehicle.

3. Learned counsel for the petitioner submitted that on 11.08.2021, the petitioner made a representation to the 3rd respondent seeking interim custody of the vehicle pending confiscation proceedings. As no orders are passed by the 3rd respondent, the present writ petition has been filed.

4. On the other hand, learned Assistant Government Pleader appearing for the respondents submits that there is

no any representation/application submitted by the petitioner to the 3rd respondent seeking interim custody of the vehicle. The document filed at page No.32 of the writ petition is not an application seeking release of the vehicle, it is a lawyers registered notice, and as such, learned Assistant Government Pleader submitted that the petitioner has to approach the 3rd respondent with proper application, and if any proper application is submitted by the petitioner, it will be considered in accordance with law by the 3rd respondent. As such, releasing the vehicle at present does not arise.

5. Having regard to the above, this Writ Petition is disposed of with the following directions:

i) The petitioner shall submit an appropriate application before the 3rd respondent seeking interim custody of the seized vehicle, if so advised, within three days from today;

ii) On receipt of the said representation, if any, the 3rd respondent shall consider and pass appropriate orders in accordance with law within one week thereafter.

There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

BATTU DEVANAND, J.

Date : 19-08-2021

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