

**HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION No.11964 of 2020**

**ORDER:**

Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise.

Both the learned counsel agreed that it is only the statutory authorities, as stipulated under the Excise laws, that have jurisdiction to grant interim custody of the vehicles. However, it is pointed out that the Excise Act by Amendment Act No.17 of 2020 and Prohibition Act by Amendment Act No.18 of 2020 conferred concurrent jurisdiction upon various Officers viz. Magistrate, Superintendent of Police etc. to order interim custody of the vehicles. This power is, in addition to the power conferred to the Deputy Commissioner of Excise under the Old Act, as it stood.

The Writ Petition is disposed of making it clear that the petitioner can approach the statutory authority, who is empowered under the amendments, to seek release of the vehicle. In such case, the application shall be disposed of by a speaking order within seven days from the date of receipt of the application. No order as to costs.

Consequently, miscellaneous application, if any, shall stand closed.

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**KONGARA VIJAYA LAKSHMI, J.**

Date: 22.07.2020  
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