

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

[3207]

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 17070 OF 2021

Between:

M Rajasekhar, S/o M Mallesh, Aged 27 years, Occ: Driver, R/o Thamrahalli, Near Govt School, Dasara Nagenahalli, Bellari, - 583117

Petitioner

AND

1. The State, Rep by its Principal Secretary, Prohibition & Excise Department A.P. Secretariat, Velagapudi, Guntur (Dist).
2. The Appellate Authority & Commissioner, Special Enforcement Bureau, Vijayawada
3. The Office of Superintendent of Police Cum Confiscating Authority, Anantapur
4. The Station House Officer, I Town. PS, Guntakal Anantaur District.

R2 CT is amended as per C.O., dt.18.8.21 in I.A.No.3/21

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 a writ of Mandamus declaring the action of the Respondents in not releasing the vehicle bearing no KA 34 P 1883 (Force Cruiser Trax) seized in Cr. No 19/2021, dtd 16.01.2021, Guntakal I Town PS being illegal, arbitrary, unconstitutional and in violation of principles of natural justice and also Provisions of AP Excise Act 1968 and consequently set aside the non speaking orders of 2nd Respondent along with proceedings of 3rd Respondent vide C.No.193/SEB-ATP/2021, dated 12.04.2021 directing them to release the vehicle bearing no KA 34 P 1883 (Force Cruiser Trax);

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support and upon hearing the arguments of SRI.LAKSHMIKANTH REDDY DESAI Advocate for the Petitioner, learned GP for Prohibition & Excise for Respondent Nos.1 & 2 and learned GP for Home for Respondent Nos.3 & 4, Court made the following.

ORDER:

Admit.

Rule Nisi.

Interim suspension of proceedings of the 2nd respondent in Cr.No.1859/2021/SEB/C dated 04.08.2021 and proceedings of the 3rd respondent in R.C.No.193/SEB-ATP/2021, dated 12.04.2021.

Sd/- K. Srinivasa Raju
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Prohibition & Excise Department, State of A.P. Secretariat, Velagapudi, Guntur (Dist).
2. The Appellate Authority & Commissioner, Special Enforcement Bureau, Vijayawada
3. The Office of Superintendent of Police Cum Confiscating Authority, Anantapur
4. The Station House Officer, I Town. PS, Guntakal Anantaur District (1 to 4 By RPAD)
5. One CC to SRI.LAKSHMIKANTH REDDY DESAI Advocate [OPUC]
6. Two CCs to GP for Prohibition & Excise, High Court Of Andhra Pradesh. [OUT]
7. Two CCs to GP for Home, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

SRL

APHC
010290392021

HIGH COURT

DEVJ

DATED:18/08/2021

ORDER

WP.No.17070 of 2021

INTERIM SUSPENSION

