

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD**
(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND NINE

PRESENT
**THE HON'BLE SRI JUSTICE GOPALA KRISHNA
TAMADA**
WRIT PETITION NO : 23346 of 2009

Between:

N.Kanakaiah and antoher.

..... PETITIONER(S)

AND

The Deputy Commissioner, Prohibition and Excise, Karimnagar
District and another.

.....RESPONDENT(S)

**THE HON'BLE SRI JUSTICE GOPALA KRISHNA
TAMADA**

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WRIT PETITION NO : 23346 of 2009

ORDER :

The 1st petitioner is the owner of a vehicle viz., JCB make excavator (proclainer), bearing regn.No.AP15 X 9501 and the 2nd petitioner is the owner of a Tractor of John Deere Make, bearing regn. No.AP10 AN 5680. According to them, the said vehicles were hired by one S.Raji Reddy for the purpose of leveling of the agricultural lands and it appears the excise officials inspected the said agricultural lands and found toddy/sendhi trees and as the cultivation of toddy trees is contrary to the provisions of the A.P.Excise Act, 1968, the said trees as well as the vehicles were seized by them. It is further stated that an

application was filed before the 1st respondent-Deputy Commissioner, Prohibition and Excise, Karimnagar District, for release of the vehicles, and as no orders have been passed on their application, they approached this Court and filed the present writ petition.

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

3. The 1st respondent has to hold an enquiry as to whether the petitioners have any role to play with regard to the cultivation of toddy trees, and ultimately, it is for the said authority to pass an appropriate order as to whether the said vehicles are liable for confiscation or not. But, however, as it is submitted by the learned counsel for the petitioner that the petitioners are making out their livelihood by hiring the said vehicles, I dispose of the writ petition with certain directions to the respondents.

4. Accordingly, the Writ Petition is disposed of at the stage of admission, directing the respondents to release the petitioners' vehicles viz., JCB make excavator (proclainer), bearing regn.No.AP15 X 9501 and the Tractor of John Deere Make, bearing regn. No.AP10 AN 5680, in their favour, but, however, on condition of their furnishing a bank guarantee for the amount as assessed by the Motor Vehicle Inspector concerned, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

October 30,

2009

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