



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3330]

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 10860/2026

Between:

1.G SHASHAVALI, S/O SHAIK SHAVALI AGED ABOUT 42 YEARS, OCC HANDLOOM WEAVER R/O. H.NO- 17-22, WEAVERS COLONY RAJOLI VILLAGE AND MANDAL, GADWAL DISTRICT, TELANGANA STATE.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, EXCISE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI. 522238

2.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI. 522238

3.THE COMMISSIONER, PROHIBITION AND EXCISE DEPARTMENT, GOVERNMENT OF ANDHRA PRADESH, SAI VIHAR APARTMENTS PRASADAMPADU VIJAYAWADA. 521108

4.THE SUPERINTENDENT OF POLICE, KURNOOL DISTRICT, KURNOOL. 518001

5.THE DEPUTY COMMISSIONER, PROHIBITION AND EXCISE

DEPARTMENT, KADAPA YSR KADAPA DISTRICT. 516003
 6.THE STATION HOUSE OFFICER, GUDUR POLICE STATION,
 KURNOOL DISTRICT. 518001

...RESPONDENT(S):

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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring inaction on part of the respondents in releasing the vehicle (CAR) bearing registration No. AP 21 CD 3138 seized in pursuance of Crime No.6 of 2026 on the file of Guduru Police Station for the offences punishable under Section 7(A) read with Section 8(E) of the Andhra Pradesh Prohibition Act, 1995, even after a lapse of 3 months as arbitrary, illegal, colourable exercise of power apart from being violative of Andhra Pradesh Prohibition Act, 1995 and Constitutional and Fundamental Rights guaranteed to me under Articles, 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents to release the vehicle (CAR) bearing registration No. AP 21 CD 3138 seized in pursuance of Crime No.6 of 2026 on the file of Guduru Police Station for the offences punishable under Section 7(A) read with Section 8(E) of the Andhra Pradesh Prohibition Act, 1995 and pass such

IA NO: 1 OF 2026

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 may be pleased to direct the respondents to release the vehicle (CAR) bearing registration No. AP 21 CD 3138 seized in pursuance of Crime No.6 of 2026 on the file of Guduru Police Station for the offences punishable under Section 7(A) read with Section 8(E) of the Andhra Pradesh Prohibition Act, 1995 by

considering the representation, dated 09.03.2026 pending disposal of the above Writ Petition and pass such

Counsel for the Petitioner:

1.B.ABHAY SIDDHANTH MOOTHA

Counsel for the Respondent(S):

1.GP FOR PROHIBITION EXCISE

2.GP FOR HOME

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.10860 of 2026

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring inaction on part of the respondents in releasing the vehicle (CAR) bearing registration No.AP 21 CD 3138 seized in pursuance of Crime No.6 of 2026 on the file of Guduru Police Station for the offences punishable under Section 7(A) read with Section 8(E) of the Andhra Pradesh Prohibition Act, 1995, even after a lapse of 3 months as arbitrary, illegal, colourable exercise of power apart from being violative of Andhra Pradesh Prohibition Act, 1995 and Constitutional and Fundamental Rights guaranteed to me under Articles, 14, 19, 21 and 300-A of the Constitution of India and consequently, direct the respondents to release the vehicle (CAR) bearing registration No.AP 21 CD 3138 seized in pursuance of Crime No.6 of 2026 on the file of Guduru Police Station for the offences punishable under Section 7(A) read with Section 8(E) of the Andhra Pradesh Prohibition Act, 1995 and pass such other order in the interest of justice....”

2. The facts that are germane for disposal of the writ petition are stated as follows:

(a) The petitioner herein is arrayed as accused No.1 in FIR No.6 of 2026 of Gudur Police Station, Kurnool District, for the offences punishable under Sections 7(A) r/w 8(E) of the Andhra Pradesh Prohibition Act, 1995.

(b) In connection with the said F.I.R., the respondents have seized the petitioner's car bearing Registration No.AP 21 CD 3138.

(c) Now, the present writ petition is filed by the petitioner

seeking a direction to the respondents for release of the said vehicle, basing on the findings arrived by the Hon'ble Apex Court in ***Sunderbhai Ambalal Desai v. State of Gujarat***. In the said judgment the Hon'ble Apex Court held that seized vehicles should not be allowed to deteriorate by kept unused and unattended in the premises of police stations.

3. Heard Sri B.Abhay Siddanth Mootha, learned counsel for the petitioner and learned Government Pleader for Excise for respondent Nos.1, 3 & 5.

4. Learned counsel for the petitioner relied on the order passed by a Co-ordinate Bench of this Court in W.P.No.10256 of 2020 and batch dated 24.06.2020 for the following observations:

“...(i) The Station House Officer, who seized the vehicle of the petitioner, shall produce the said vehicle before the Deputy Commissioner of Prohibition and Excise concerned within three (03) days from today.

(ii) The 4th respondent i.e., Director General of Police, Andhra Pradesh is directed to issue necessary instructions to his subordinate officers and to ensure to implement this order from today.

(iii) The petitioner i.e., the owner of the vehicle is permitted to submit his application forthwith before the Deputy Commissioner of Prohibition and Excise concerned to release the seized vehicle for interim custody pending proceedings under Section 46 of the Andhra Pradesh Excise Act, 1968.

(iv) The Deputy Commissioner of Prohibition and Excise concerned is directed to dispose of the said application filed by the owner of the vehicle for release of the vehicle for interim custody within a period of three (03) days from the date of such application.

(v) The three (03) days time stipulated above, would be applicable to the seizures of the vehicles if any, in future also...”

5. Learned counsel for the petitioner requested this Court to pass a similar order, as passed in W.P.No.10256 of 2020 dated 24.06.2020.

6. Learned counsel for respondents would submit that the petitioner has not made any application to either of the authorities and if the petitioner submits a fresh application to the respondents, the same will be considered and appropriate orders will be passed in accordance with law. Hence, requested this Court to direct the petitioner to file a fresh application to the authorities.

7. In view of aforesaid submissions, the present Writ Petition is disposed of, permitting the petitioner to file a fresh application addressing all the grievances before the respondents. On filing such application, the respondents are directed to consider the same on merits, considering the observation made in the order in W.P.No.10256 of 2020 dated 24.06.2020, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of the application. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 30.04.2026

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THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

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30.04.2026

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