

[3255]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 24570 OF 2025

Between:

Mrs. Mysa Shoba, W/o. Pochaiah, Aged about 44 Years, Occ. Agriculture, R/o. H.No. 2-38, Karrepally, Huzurabad, Mandal, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Dept. of Prohibition and Excise Secretariat, Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Adilabad, Adilabad District.
3. The Station House Officer, P.S. Kaghaznagar Rural, Komaram Bheem Asifabad district.

...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 writ, order or direction especially one in the Nature of Writ of Mandamus declaring the action of the Respondent No. 2, in rejecting the Petitioner's representation vide Proceedings RC. No. B2/185/DCA/2025, Dt. 02-07-2025, seeking for release of vehicle i.e., Tata Yodha Bearing No. TS 02 UD 1320, seized in connection with Crime No. 62 of 2025, Dt. 29-05-2025, as illegal, arbitrary and violative of Article 21 and 19(1)(g) of the Constitution of India and set aside the same and also consequently direct the Respondent No. 2 to release the petitioner's vehicle.

IA NO: 1 OF 2025

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 to direct the Respondent No. 2 to release the petitioner's vehicle Tata Yodha Bearing No. TS 02 UD 1320 in favour of the petitioner pending disposal of the main writ petition.

Counsel for the Petitioner: SRI K. V. R. PRASAD

Counsel for the Respondents No.1 & 2: AGP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3: AGP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.24570 of 2025

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Prohibition and Excise appearing for respondent Nos.1 and 2 and learned Assistant Government Pleader for Home appearing for respondent No.3. With their consent this writ petition is taken up for disposal at the admission stage itself.

2. This writ petition is filed seeking to declare the action of the respondent No.2 in rejecting the petitioner's representation *vide* Proceedings RC.No.B2/185/DCA/2025, dated 02.07.2025 and not releasing the petitioner's vehicle i.e., Tata Yodha Bearing No.TS 02 UD 1320, seized in connection with Crime No.62 of 2025, dated 29.05.2025 as illegal, arbitrary and violative of Article 21 and 19(1)(g) of the Constitution of India and set aside the same and also consequently direct the respondent No.2 to release the petitioner's vehicle.

3. Today when the matter has been taken up for hearing, learned Assistant Government Pleader for Prohibition and Excise appearing for respondent Nos.1 and 2 on instructions submits that on 29.05.2025, while conducting vehicle checking at CR Nagar Forest Check post, Vanjiri Village, the Sub- Inspector of Kagaznagar Police Station, along with other staff found that two persons were illegally transporting Deshidaru liquor by vehicle i.e., Tata Yodha Bearing No.TS 02 UD 1320, hence, the investigating officer,

through Panchanama seized 3 deshidas bottles (750 ml) and the Tata Yodha Bearing No.TS 02 UD 1320. Thereafter, a case is registered *vide* COR No.62 of 2025 dated 29.05.2025, under Section 34(a) of T.S Prohibition Act, 1968. It is further submitted that the petitioner on 03.06.2025, made a representation and requested to release the subject vehicle and the same was refused *vide* rejection order No.B2/185/DCA/2025 dated 02.07.2025 and the Station House officer, has submitted the confiscation proposals of the seized vehicle. Thereafter, a show cause notice was issued and the same was served on the petitioner on 07.07.2025, however, no reply was submitted by the petitioner.

4. Learned Assistant Government Pleader for Excise Department further submits that as per the report of the TS RPEL, Nizamabad bearing CE No.659 of 2025 dated 03.06.2025, it was revealed that "*the sample contains RS based liquor and the same is injurious to health*". It is further submitted that a confiscation order has been issued to the petitioner *vide* Rc.No.B2/185/DCA/2025 dated 31.07.2025 and though the petitioner has remedy to file appeal under Section 46 (C) of Telangana Excise Act 1968, within a period of (60) days from the date of issue of the confiscation order, the petitioner did not prefer to file appeal in the prescribed time.

5. Learned Assistant Government Pleader for Home appearing for respondent No.3 placed on record instructions issued by respondent No.3, wherein it is submitted that the respondent No.3 has served the copy of the confiscation order dated 31.07.2025 on the petitioner and thereafter on 25.09.2025, the Sub Inspector of police, Kagaznagar Rular Police Station, had fixed the market value of the subject vehicle.

6. Learned Assistant Government Pleader for Excise Department further submits that under Section 64 of the Telangana Excise Act 1968, petitioner has liberty to file revision against the confiscation order dated 31.07.2025 before the respondent No.1 and further submits that if the petitioner file such revision, the respondent No.1 would pass appropriate orders.

7. At this stage, learned counsel for the petitioner submits that the petitioner would file revision against the confiscation order dated 31.07.2025, before respondent No.1 and further pray this Court to direct the respondent No.1 to consider the same and pass orders.

8. Recording the submission made by the learned counsel appearing on either side and without expressing any opinion on the merits of the case, this writ petition is disposed of granting liberty to petitioner to file revision against the confiscation order dated 31.07.2025, before the respondent No.1, within a period of one (01) week from the date of receipt of copy of this order and thereafter, it is for the respondent No.1 consider the same and pass appropriate orders strictly in accordance with law as expeditiously as possible and communicate the same to the petitioner.

9. With the above observation, this writ petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SDI-P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Dept. of Prohibition and Excise, State of Telangana, Secretariat, Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Adilabad, Adilabad District.

Chd...

3. The Station House Officer, P.S. Kaghaznagar Rural, Komaram Bheem Asifabad District.
4. One CC to SRI K. V. R. PRASAD, Advocate [OPUC]
5. Two CCs to GP for Prohibition & Excise, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.

MP
BS



HIGH COURT

DATED:11/11/2025



ORDER

WP.No.24570 of 2025

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(11) — JKS
10/4/26.