

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.36104 OF 2015

ORDER :

The grievance of the petitioner in this writ petition is that the respondents have seized his vehicle TATA-Super-ACE bearing No.AP 31 TD 9710 on a suspicion that PDS rice was being transported therein and a case under Section 6A of Essential Commodities Act, 1955 (for short 'the Act') has also been registered before the 2nd respondent on basis of a report filed by the 3rd respondent.

2. Petitioner has sought release of the said vehicle by filing a petition dt.24.08.2015 before the 2nd respondent, but by memo dt.19.10.2015, the 2nd respondent had refused to release it.

3. Challenging the same, this Writ Petition is filed.

4. Petitioner's counsel contended that the petitioner has not committed any violation and the petitioner would be able to substantiate his case in the enquiry under Section 6A of the Act. He also contended that the vehicle, if kept idle with the respondents, would get damaged due to exposure to sun and rain and since no useful purpose would be served, the respondents ought to have released the vehicle.

5. Heard the learned Government Pleader for Civil Supplies, who supported the order passed by 2nd respondent.

6. Having regard to the submissions of petitioner's counsel with which

I agree, the 2nd respondent is directed to release TATA-Super-ACE bearing No.AP 31 TD 9710 to the petitioner subject to the petitioner furnishing bank guarantee of the value of the vehicle and on production of proof of ownership of the vehicle apart from his giving an undertaking within two (02) weeks from date of receipt of a copy of this order to the 2nd respondent that he would not alienate the vehicle in any manner pending enquiry under Section 6A of the Act and will produce the vehicle as and when necessary in the enquiry.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

05th November, 2015.

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