

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1175 of 2015

BETWEEN

Shaik Bajee

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary, Food and
Consumers Affairs, Secretariat Buildings, Hyderabad and others

...RESPONDENTS

The Court made the following:

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ORDER:

I have heard learned counsel for the petitioner and learned
Government Pleader.

2. Petitioner, who claims to be the owner of an auto bearing No.AP 20 TC
1929, submits that without his knowledge the driver appears to have
transported the PDS Rice in the said vehicle and an offence under Section
6A of the Essential Commodities Act is booked and the vehicle was seized.
Petitioner states that he approached the Joint Collector, respondent No.2,
seeking release of the vehicle and on 15.02.2014 respondent No.2 has
passed the impugned proceedings directing release of the vehicle subject to
furnishing of bank guarantee for the said vehicle. The condition imposed in
the said impugned proceedings is the subject matter of the present writ

petition.

3. Though the petitioner contends that under Section 6A only the commodities seized shall be released subject to the bank guarantee, as such, the vehicle should not be subjected to any such condition.

4. I am, however, not inclined to accept the said contention, as the interim release of the vehicle is ordered in favour of the petitioner subject to condition of furnishing bank guarantee of the present market value and the vehicle is stated to be new and its value is Rs.1,00,000/-.

5. In view of the above, the order passed by respondent No.2 is modified and the said vehicle is ordered to be released to the petitioner subject to final orders in the enquiry under Section 6A subject to the condition of petitioner depositing bank guarantee before the Joint Collector for a sum of Rs.25,000/- (Rupees Twenty five thousand only) and also on furnishing an undertaking that he will not alienate the said vehicle pending enquiry under Section 6A. He shall also produce the vehicle before the authority concerned, as and when called for. On production of the ownership documents by the petitioner, the vehicle shall be released by respondent No.2 in favour of the petitioner subject to fulfillment of the conditions above.

Subject to the above direction, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 29, 2015
LMV