

**THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

**WRIT PETITION No.23481 of 2015**

Between:

1. Gunugu Udaya Bhaskar and another

PETITIONERS

AND

1. The State of Telangana, rep. by its Principal Secretary,  
Consumer Affairs, Food and Civil Supplies, A.P., Secretariat  
Buildings Hyderabad, and others.

RESPONDENTS

**ORDER:**

Heard learned Counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.

The 1<sup>st</sup> petitioner is the owner of the Lorry bearing No.AP16TV0488 and the 2<sup>nd</sup> petitioner is carrying on rice business. While so, on 17.06.2015 the 2<sup>nd</sup> petitioner loaded 247 bags of rice weighing 50 Kgs each in the 1<sup>st</sup> petitioner's lorry for transportation. On 18.06.2015, when the lorry reached the bridge near St. Josephs' School near Tatikudi Village, the 3<sup>rd</sup> respondent stopped the lorry and seized the rice and lorry on the allegation that the lorry is transporting PDS rice. After conducting panchanama on the spot itself, seized the rice and lorry and filed a complaint before the P.S. Khammam III Town, which was registered as F.I.R.No.105 of 2015. Petitioners submitted representation dated 8.07.2015 to the 3<sup>rd</sup> respondent. Thereafter the 3<sup>rd</sup> respondent submitted a report under Section 6-A of the Essential Commodities Act, to the 2<sup>nd</sup> respondent. As no orders are passed by the 2<sup>nd</sup> respondent for release of the vehicle and stock, the present Writ Petition is filed.

It is well established that continued detention and seizure of the vehicle and goods does not serve any purpose or interest of the respondents. The interest of the respondents can be protected by directing that the seized goods and vehicle of the petitioners be released subject to certain conditions.

In the circumstances, the 2<sup>nd</sup> respondent is directed to release the seized PDS rice on condition of the 2<sup>nd</sup> petitioner furnishing bank guarantee for a sum of Rs.2,00,000/-. Further, lorry bearing No.AP-

16TV-0488 be released on condition of the 1<sup>st</sup> petitioner furnishing bank guarantee for a sum of Rs.3,00,000/-. The petitioners shall submit their respective bank guarantees before the 2<sup>nd</sup> respondent within fifteen days from the date of receipt of a copy of this order. Further the 1<sup>st</sup> petitioner shall file undertakings before the 2<sup>nd</sup> respondent stating that he will not alienate and encumber the lorry till the conclusion of the 6-A proceedings and the same will be produced as and when directed by the 2<sup>nd</sup> respondent.

The Writ Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed in consequence. No order as to costs.

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**A. RAMALINGESWARA RAO, J.**

29<sup>th</sup> July, 2015  
Js.