

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

* * * *

WRIT PETITION No.23793 of 2015

Between:

Rowthu Shiva and another.

....Petitioners

and

The State of Andhra Pradesh,
Rep.by its Ex-Officio Secretary to Govt.
Consumer Affairs, Food and Civil Supplies (CS-1) Department,
Secretariat, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 30.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

- | | | |
|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—

WRIT PETITION No.23793 of 2015

ORDER:

Heard the learned counsel for petitioners and the learned
Government Pleader for Civil Supplies for respondents.

The first petitioner is the owner of the lorry bearing No.AP05 TA
7889 and the second petitioner is the trader. During the course of
business, the second petitioner took the vehicle of the first petitioner on
hire basis for transporting 213 quintals of rice from Pathipadu to

Narsipatnam. During the transit, Vigilance authorities had seized the vehicle as well as the stock on 06.07.2015 at Addu Road, S.Rayavaram Village and Mandal, on the allegation that the said rice is PDS rice. After seizure, the third respondent had filed a report under Section 6-A of the Essential Commodities Act before the second respondent. The petitioners submitted applications before the second respondent on 14.07.2015 for release of the rice as well as the vehicle, but no orders are passed. Challenging the same, the present Writ Petition is filed.

The continued seizure of the vehicle and stock is not in the interest of the State or the petitioners. Since the petitioners are willing to furnish the bank guarantee for the value of the seized stock and the vehicle, this Court deems it appropriate to direct the second respondent to release the seized stock to the second petitioner as and when he furnishes bank guarantee for a sum of Rs.4,47,300/- (Rupees four lakhs forty seven thousand three hundred only). Similarly, the seized lorry shall be released to the first petitioner as and when he furnishes bank guarantee for an amount of Rs.5,00,000/- (Rupees five lakhs only) and on filing an undertaking that he will not alienate the vehicle and produce the same as and when demanded by the second respondent during the pendency of the 6A proceedings.

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

(A.RAMALINGESWARA RAO, J)

30.07.2015
vs