

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.923 of 2015

Dt:09.10.2015

Between:

Shaik Mahaboob Basha.

... Appellant

And

The State of A.P. and others

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.923 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The appellant challenges the following order passed in W.P.No.29546 of 2015 in the instant appeal.

The petitioner claims to be the owner of Light Motor Vehicle purchased in the year 2002. The said vehicle was registered with the registration No.AP 27U 7191. When the said vehicle was involved in 6 A proceedings, it was seized and the proceedings are pending before the 2nd respondent. The present writ petition is filed seeking release of the said vehicle pending disposal of the 6A proceedings.

The continued detention of the vehicle is not to the benefit of the Government or to the petitioner.

In the circumstances, this Court feels that interest of justice would be met if the petitioner furnishes Bank Guarantee for a value of Rs.75,000/- (Rupees seventy five thousand only) for release of the vehicle and as and when the petitioner furnishes the said Bank Guarantee, the 2nd respondent shall release the vehicle with usual undertaking of not alienating the vehicle and producing the same as and when directed by the 2nd respondent during the pendency of the 6 A proceedings.

Accordingly, the writ petition is disposed of. No order as to costs.”

Learned counsel for the appellant submits that the appellant would be satisfied if directions are issued to respondent No.2 to conclude the enquiry/proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short ‘the Act’). In other words, he submits that he would not insist for release of vehicle if the proceedings under Section 6-A of the Act are concluded within timeframe.

Having considered the submission of learned counsel for the appellant, we are satisfied that this writ appeal can be conveniently disposed of by the following order:

“Respondent No.2 shall endeavour to dispose of the proceedings under Section 6-A of the Act as expeditiously as possible and preferably within six (6) weeks from the date of receipt of this order. The appellant is directed to appear before respondent No.2 with a copy of this order on 13.10.2015 at 11.00 a.m. Certified copy of this order may be made available to the appellant. All contentions on merits are kept open.”

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:09.10.2015

kdl