

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32830 of 2015

ORDER:

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

The petitioner claims to be owner of the lorry bearing No.AP-20-X-2223, which was purchased from the original owner under an agreement dated 29.07.2015, but the vehicle is not transferred in the name of the petitioner. The said lorry was involved in a case under Section 6-A of the Essential Commodities Act, which is pending before the second respondent-Joint Collector, Eluru.

The petitioner filed an application for release of the vehicle on 10.09.2015 and when no orders were passed on the said application, the present writ petition is filed.

The continued detention of the seized vehicle is not benefit to the petitioner as well as to the State, when 6-A proceedings are pending before the second respondent.

In the circumstances, this Court feels it just and necessary to order for release of the lorry bearing No.AP-20-X-2223 to the petitioner as and when he furnishes bank guarantee for a sum of Rs.5.00 lakhs. The petitioner shall give an undertaking that he will produce the said lorry as and when required by the second respondent and he shall not alienate the same during pendency of 6-A proceedings and the release of seized lorry would be subject to further orders passed by the second respondent in 6-A proceedings ultimately. The petitioner shall also file an undertaking of the original owner that there is no objection for release of the said lorry in favour of the petitioner.

Accordingly, the writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.10.2015

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