

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4180 of 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in seizing the vehicle with commodity of the paddy containing 84.36 quintals containing 114 bags each back containing 74 kgs of the petitioner without any basis amounts to erroneous, arbitrary and violative of Art. 14, 19 and 21 of the constitution of India and consequently direct the respondents release the paddy of the petitioner containing 84.36 quintals containing 114 bags each back containing 74 kgs along with vehicle lorry bearing AP 21 T 8555 forthwith.”

2. Heard Sri T.C.Krishna, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies for the respondents.

3. According to the petitioner, he is a permanent resident of Kambakam Village, Vardayapalem Mandal, Chittoor District and is an agriculturist and owns wet land admeasuring Ac.5-54 cents under various survey numbers. It is also submitted that he raised paddy crop and harvested the same in the first week of February, 2009 and for the purpose of transportation of the said crop for storage in the market yard he engaged lorry bearing registration No.AP21 T 8555. It is further stated that during the said transit, second respondent herein and his subordinates stopped the vehicle on 11.02.2009 and despite the production of the photostat copies of the pattadar pass books, the second respondent took away the vehicle and issued panchanama copy. With the above pleadings, the writ petition came to be instituted.

4. This Court, while issuing *Rule Nisi* 03.03.2009 in WPMP.No.5484/2009 granted interim direction as prayed for subject to the condition of the petitioner furnishing third party immovable security as security to the satisfaction of the authorities concerned. It is also submitted by the learned counsel for the petitioner that pursuant to the

interim order, on furnishing third party immovable property security, the authorities released the stock and also the vehicle. It is further brought to the notice of this Court that the authorities have already initiated Section

6-A proceedings and they are pending.

5. In these circumstances, writ petition is disposed of, directing the respondents herein to proceed in accordance with the provisions of Section 6-A of the Act. It is also made clear that the immovable property security furnished pursuant to the orders of this Court shall continue. Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:10.03.2015
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HON'BLE SRI JUSTICE A.V.SESHA SAI

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Between:

Valasa Kasi Viswanadham Setty,
S/o Vedachalam Setty,
Hindu, Aged about 48 yrs,
Occ: Cultivation, R/o. Kambakam Village,
Varadayapalem Mandal, Chittoor District.

... Petitioner

and

The State of Andhra Pradesh
Represented by its District Collector (Civil Supplies),
Chittoor, Chittoor District and another.

... Respondents

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