

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.18195 AND 18201 OF 2015

Date:25.06.2015

W.P.No.18195 of 2015

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Between:

M/s. R.V. Enterprises, Opp. Eden Garden
Function Hall Complex, Mailoor, Bidar,
Karnataka State, rep., by its Proprietor
Ravi Kumar Gehlot

.. Petitioner

And

The Food Safety Designated Officer,
Khammam District and others

.. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.18195 AND 18201 OF 2015

COMMON ORDER:

Heard.

Both these Writ Petitions are filed by different Traders. But, as the facts and the question raised is common, they are disposed of by this common order.

Both the petitioners state that they are firms carrying on Tobacco business at Mailoor, Bidar in Karnataka State. In course of business, they have purchased Amber Tobacco packets in Ahmedabad, Gujarat State, and while transporting the same to Mailoor, Bidar, Karnataka State, the said vehicles are stated to have been seized on 16.06.2014 by the Police in Telangana State and crimes are accordingly registered with respect of both the seizures for violating the prohibition to sell the Tobacco products. Both the petitioners sought release of the stocks pending investigation of the crimes. But, since that was declined by the 1st respondent, who is holding the custody of the stocks, the petitioners filed W.P.Nos.22877 and 22865 of 2014, aggrieved by the order of refusal to release the stocks.

By order dated 28.10.2014, this Court disposed of both the said Writ Petitions directing the 1st respondent to release the seized tobacco to the respective petitioners on their furnishing bank guarantees for the entire seized stocks which were quantified as

Rs.31,00,000/- and Rs.32,50,000/-, respectively and the said bank guarantees were directed to be kept alive pending disposal of the proceedings by respondent No.3.

The petitioners, however, complain in the present Writ Petitions that in spite of furnishing bank guarantees, the 1st respondent has not released the stocks and has been raising objections to the extent of release on various grounds. Hence, having furnishing the bank guarantees by the end of November, 2014, the petitioners have not been able to get released the stocks and bank guarantees remained unused. The petitioners, therefore, state that since the 1st respondent is not inclined to release the stocks to the petitioners, at least their bank guarantees may be released to them. The present Writ Petitions are filed only seeking relief to that extent.

Learned Government Pleader representing the 1st respondent has taken specific instructions, whereunder the 1st respondent is stated to have no objection to return the bank guarantees to the respective petitioners.

In view of the 1st respondent having no objection recorded above, these Writ Petitions are disposed of directing the 1st respondent in the respective Writ Petitions to return the bank guarantees to the respective petitioners, which were furnished in pursuance of the orders passed in the Writ Petitions, referred to above, preferably within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petitions shall stand closed.

VILAS V. AFZULPURKAR, J

25.06.2015

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