

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

* * * *

WRIT PETITION No.21734 of 2015

Between:

S.S.Transport

....Petitioner

and

1. The State of Andhra Pradesh, Consumer Affairs, Food and Civil Supplies (CSI) Department, Rep.by its Secretary, Secretariat, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

-

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.21734 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is the owner of lorry bearing No.AP 16 TY 8513 and is engaged in the transport business. While so, on 07.07.2015 when the lorry was carrying the load of 450 bags of cement from Jaypee Balaji cement factory at Budavada Village of Krishna District and was

proceeding to Parvathipuram of Vijayanagaram District, the Vigilance and Enforcement officials intercepted the lorry and seized the lorry along with cement and 51 bags of rice. A case was registered in Crime No.171 of 2015 under Section 420 IPC and Section 7(c) of the Essential Commodities Act. Challenging the seizure of the vehicle along with rice and cement, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the cement is a decontrolled commodity and the cement should not have been seized. However, in respect of rice and lorry, proceedings under Section 6A of the Essential Commodities Act appears to have been initiated before the second respondent and the same are pending. Though the petitioner filed an application before the second respondent for release of the stock as well as the vehicle on 10.07.2015, the same is not considered.

Now the petitioner is willing to furnish security for the release of the lorry and cement.

In the circumstances, the second respondent is directed to release the lorry bearing No.AP 16 TY 8513 and cement to the petitioner, on the petitioner furnishing bank guarantee for an amount of Rs.10.00 lakhs (Rupees ten lakhs only) within a period of fifteen days from the date of receipt of a copy of this order, with an undertaking that the petitioner will not alienate the vehicle and produce the same as and when demanded by the second respondent during the pendency of the 6A proceedings. On furnishing such bank guarantee and undertaking the second respondent shall release the lorry and cement to the petitioner.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.07.2015

VS