

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

WRIT PETITION No. 20740 of 2015

BETWEEN

Syed Shanawaz Hussaini and anr

...Petitioner

And

The State of Telangana,
Rep. by its Commissioner of Civil Supplies Department and
Ex Officio Secretary, Hyderabad and ors.

....respondents.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
May be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
Marked to Law Reporters/Journals. | YES/NO |
| 3. Whether Their Ladyship/Lordship wish to
See the fair copy of the Judgment ? | YES/NO. |

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 20740 of 2015

ORDER:

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

The first petitioner is carrying on rice business under a valid licence issued by the concerned authorities. He is also owner of the lorry bearing registration No. TS 12 UA 2817 and second petitioner herein is the owner of the lorry bearing registration No. AP 29 TA 9559. While so on 6.6.2015 the third respondent along with Vigilance and Enforcement Officials intercepted the lorry bearing Registration No. AP 29 TA 9559 on the ground that the said lorry was transporting 252 quintals of PDS rice worth of Rs.5,79,600/- in contravention of provisions of the APSDS (Control) Order 2008. After conducting the panchanama on the spot itself, the said lorry was brought back to the godown wherein the officials found that the repacked PDS rice in white bags. While seizing the packed material, the third respondent officials also seized lorry bearing No. TS 12 US 2817 of the first petitioner. Thereafter 6-A proceedings were initiated. The petitioners made their respective applications before the second respondent for release of the seized PDS rice and aforesaid lorries. When no orders are passed, the present Writ Petition is filed.

Trite to state, continued detention and seizure of the vehicle and goods does not advance any purpose or interest of the respondents. The interest of the respondents can be protected by directing that the seized goods and vehicles of the petitioners be released subject to certain conditions. In the circumstances, the second respondent is directed to

release the seized PDS rice on condition of the first petitioner furnishing bank guarantee for a sum of Rs.5,79,600/-. Further lorry bearing No. AP 29 TA 9559 be released on condition of the second petitioner furnishing bank guarantee for a sum of Rs.8,00,000/- and another lorry bearing registration No. TS 12UA 2817 be released on condition of the first petitioner furnishing bank guarantee for Rs.4,00,000/-. The petitioners shall submit their respective bank guarantees before the second respondent within fifteen days from the date of receipt of a copy of this order. Further the petitioners shall file undertakings before the second respondent stating that they shall not alienate and encumber said lorries till the conclusion of the 6-A proceedings and the same shall be produced as and when directed by the second respondent.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 16TH JULY, 2015.
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