

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL NO.832 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letter Patents Act, is preferred against the interlocutory order passed in WP.MP.No.28866 of 2016 in WP.No.23430 of 2016 dated 22.07.2016.

The appellants herein are the petitioners in the Writ Petition. They sought release of the seized stock of 25 quintals of wheat, and the lorry in which it was being carried, on the ground that such seizure was contrary to law.

In the order under appeal the learned Single Judge, after taking note of the submission of the learned Government Pleader that seizure was strictly in accordance with the Control Order, observed that it would not be appropriate to express any opinion, on the validity of the seizure at the stage of admission, as it may cause prejudice to one of the parties in the proceedings. With a view to protect the interests of both the petitioner and the respondent, the learned Single Judge directed release of the seized stock and the vehicle on the petitioner furnishing a bank guarantee for the value of the stock and, in addition, a bank guarantee of Rs.2.00 Lakhs for release of the lorry.

Sri V.H.V.R.Swamy, learned counsel for the petitioners, would submit that, since seizure of the stock is itself illegal, the learned Single Judge erred in imposing the condition of a bank guarantee being furnished for release of the stock and the vehicle.

The question, whether the seizure is illegal or not, can only be examined after the respondents file their counter affidavits. The Learned Single Judge has rightly observed that, at the stage of admission, it would not be appropriate to express any opinion on the rival contentions; and that the interest of both the petitioners and the respondents would be safeguarded by passing the order under appeal. We find no error in the order of the learned Single Judge necessitating interference in an intra-Court appeal under Clause 15 of the Letters Patent.

The Writ Appeal fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.



(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

15th September 2016
RRB