

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31660 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in seizing the TATA Max vehicle bearing No.AP 15Y 1706 of the petitioner as illegal and arbitrary.

2 Heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies and the learned Government Pleader for Home.

3 The petitioner claims to be the owner of the vehicle TATA Max bearing No.AP 15Y 1706. A perusal of the record reveals that on 10.09.2016 the vehicle of the petitioner was intercepted alleging that the petitioner was transporting PDS rice in it.

4 The contention of the petitioner is that the rice seized by the respondents belongs to private parties and it is not PDS rice. The learned counsel for the petitioner submitted that the vehicle of the petitioner has been kept under the custody of the 4th respondent.

5 At the time of arguments, the only relief sought by the learned counsel for the petitioner is to direct the 4th respondent to release the vehicle on furnishing some security. On the other hand, the learned Government Pleader submitted that if this Court inclines to release the vehicle, the same may be released on furnishing bank guarantee.

6 If the vehicle is kept under the custody of the 4th respondent, the same may cause financial loss and hardship to the petitioner. So also, if the vehicle is released unconditionally, it may not be possible

for the respondents to take appropriate action against the petitioner in the event of the vehicle being liable for confiscation or fine.

7 Having regard to the facts and circumstances of the case, the 4th respondent is hereby directed to release the vehicle TATA Max bearing No.AP 15Y 1706 in favour of the petitioner on his furnishing bank guarantee for Rs.50,000/- (Rupees Fifty Thousand only). The petitioner is directed to give an undertaking that he will not create any third party interest over the vehicle in question, he will not alter the nature of the vehicle and that he will produce the same as and when required before the authorities.

8 With the above direction, this Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Date: 20th September, 2016
Kvsn

T. SUNIL CHOWDARY, J

