

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19184 of 2016

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies (Telangana) appearing for the respondents.

The case of the petitioner is that on 11.04.2015 he hired his auto bearing No.AP 20 TA 3017 to some unknown person for transportation of cans. However, when the auto was proceeding on FCI Road of Khammam town the 3rd respondent has intercepted the vehicle and seized the same under the cover of panchanama alleging that 175 ltrs., of PDS kerosene oil has been transporting in the auto. Basing on the said panchanama, 2nd respondent has initiated proceedings under Essential Commodities Act, 1955 and issued a show cause notice dated 02.02.2016. It is further submitted that the initiation of the proceedings under the provisions of the E.C. Act itself is not applicable since the kerosene oil not come under the purview of the Act, as such the seizure itself is illegal, arbitrary and violative of principles of natural justice. He further submits that since report under Section 6-A of the Act was filed, the 2nd respondent may be directed to release his vehicle.

Learned counsel for the petitioner submits that the petitioner being a poor person and eking out his livelihood by hiring the auto, respondent authorities may be directed to release the vehicle, which is essential for his day to day life.

Considering the submissions made by both the learned counsel, this writ petition is disposed of directing the 2nd respondent to release the seized vehicle i.e., Auto bearing registration No.AP 20 TA 3017 in favour of the petitioner subject to

condition of his furnishing third party security for a sum of Rs.70,000/- (Rupees Seventy Thousand only). However, release of seized vehicle shall be subject to the further orders that may be passed by the authorities concerned after due enquiry in accordance with the provisions of law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Date:16.06.2016

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