

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.3043 of 2016

ORDER :

In this Writ Petition, petitioner assails order dt.27.01.2016 passed by the 2nd respondent rejecting the petitioner's application for release of vehicle i.e., Omni Van bearing No.AP 31 BR 6710, which was seized by the police and Civil Supplies Department Officials on 21.11.2015, when it was stationed at the residence of one Cheena Prasada Rao of Peddipalem Village, Anandapuram Mandal, along with rice of 14 bags thereon.

2. In the impugned order the 2nd respondent refused to release the vehicle pending finalization of the proceedings under Section 6A of the Essential Commodities Act, 1955 against Sri Cheena Prasada Rao and stated that he would examine the reasons for release of the vehicle at the time of final disposal of the case.

3. Counsel for the petitioner contends that 6A proceedings will continue for at least three months and in the meantime the vehicle will get damaged.

4. The Government Pleader for Civil Supplies states that the respondents have no objection for the vehicle being released subject to the petitioner furnishing bank guarantee for the value of the vehicle as assessed by the 2nd respondent and keeping the said bank guarantee alive during the pendency of proceedings against said Cheena Prasada Rao and giving undertaking to produce the vehicle as and when required by the respondents.

5. In view of the said submission, the Writ Petition is disposed of directing the respondents to release the vehicle i.e., Omni Van bearing No.AP 31 BR 6710 to the petitioner subject to the petitioner producing documents in proof of ownership; furnishing bank guarantee for the value of the vehicle as assessed by the 2nd respondent and keeping

the said bank guarantee alive during the pendency of 6A proceedings; and he shall also give undertaking not to alienate or encumber the said vehicle during the pendency of 6A proceedings and to produce the vehicle as and when required by the respondents. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

03rd February, 2016.
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