

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.34117 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the fourth respondent in initiating proceedings under Section 6-A of the Essential Commodities Act, 1955 against the petitioner, as illegal and arbitrary.

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

3. The petitioner claims that he is the owner of the Lorry bearing No.AP 07 TU 6397. It is the case of the petitioner that his Lorry was intercepted by the respondents on 07/08.09.2016 in the premises of Sri Lakshmi Rice Mill, Epurupalem Village, Chirala Mandal, Prakasam District. It is the further case of the petitioner that he stationed the Lorry at the request of the rice mill owner only.

4. At the time of arguments, the only relief sought for by the learned counsel for the petitioner is to direct the fifth 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.

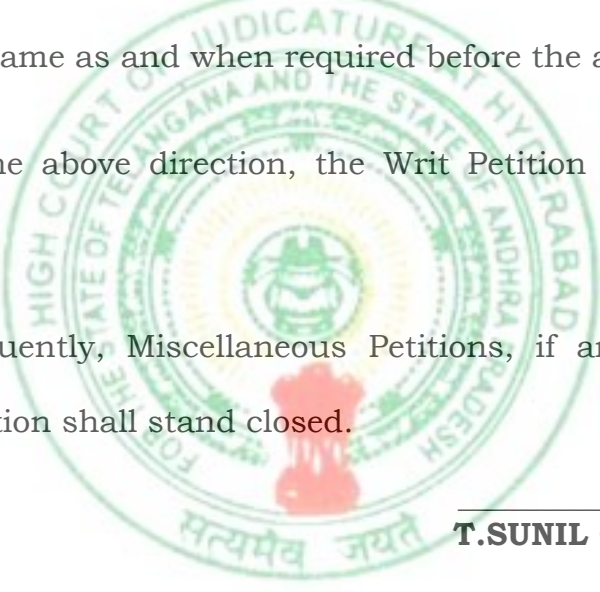
5. If the vehicle is kept under the custody of the fifth respondent, the same may cause financial loss and hardship to the petitioner. So also, if the vehicle is released unconditionally, it

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.

6. Having regard to the facts and circumstances of the case, the fifth respondent is hereby directed to release the Lorry bearing No.AP 07 TU 6397 in favour of the petitioner on his furnishing a bank guarantee for an amount of Rs.2,00,000/- (Rupees Two Lakhs only). The petitioner is directed to file 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.

7. With the above direction, the Writ Petition is disposed of. No costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.



T.SUNIL CHOWDARY, J

Date: 30.09.2016
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