

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8364 OF 2016

ORDER:

This writ petition is filed for a Writ of Mandamus to declare the notice dated 28.12.2015 directing the petitioner to obtain bank guarantee for Rs.5,00,000/- for release of lorry Bearing Registration No.AP 27-V 1591 as illegal and arbitrary and consequently direct the 2nd respondent to release the vehicle by accepting the third party surety instead of bank guarantee.

The petitioner is the owner of lorry bearing Registration No. AP 27 V 1591. On 14.11.2014 the said lorry was seized on the ground that he was transporting PDS rice. The petitioner filed a representation before the 2nd respondent on 24.11.2015 stating that he is unaware of the fact the rice being transported is PDS rice and requested for release of the vehicle on condition of furnishing third party surety and also an undertaking that he would produce the vehicle as and when required. Basing on the said representation, the 2nd respondent has passed the impugned notice dated 28.12.2015 directing the petitioner to submit bank guarantee for Rs.5,00,000/- for release of his vehicle. Aggrieved by the same, the petitioner has filed the present writ petition.

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

Considering the facts and circumstances of the case and as it is represented that the petitioner is eking out his livelihood basing on the income derived from the said vehicle, the seized vehicle of the petitioner shall be released on condition of furnishing third party security for a sum of Rs.1,00,000/- (Rupees one lakh only) and on a further condition to furnish an undertaking that he will not alienate the vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the 2nd respondent

With the above direction, the writ petition is disposed of. No order as to costs.

In view of the disposal of the main writ petition, miscellaneous petitions, if any pending in the writ petition, shall also be closed.

CHALLA KODANDA RAM, J.

Date:15.03.2016.
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