

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38136 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring F.I.R.No.360 of 2016 on the file of the third respondent and also declaring the action of the second respondent in seizing the lorry bearing registration No.AP 29 TB 5579 together with 120 bags of broken rice each average 37.5 kgs under a cover of Panchanama as illegal and arbitrary, and consequently to direct the respondents to release 120 bags of broken rice each average 37.5 kgs along with lorry bearing registration No.AP 29 TB 5579 on the file of the second respondent.

Heard and perused the material.

Learned counsel for the petitioners submits that the second respondent has registered the case being F.I.R.No.360 of 2016 against the petitioners and also seized the vehicle bearing registration No.AP 29 TB 5579 on the allegation that the petitioners converted the PDS rice into broken rice and illegally transporting the same. He further submits that the petitioners have not committed any offence and as such, he prays this Court to direct the second respondent to release the seized vehicles and the property.

Considering the facts and circumstances of the case, the petitioners are directed to file an application for return of the seized vehicles and property before the Court concerned by invoking the provisions of the Code of Criminal Procedure. The petitioners are directed to produce all the relevant documents to substantiate their claim before the Court concerned and the Court below is directed to pass appropriate orders, on such application being filed, in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

14.11.2016
pln

