

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.31501 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of the third respondent in seizing the petitioner's lorry bearing Reg. No.AP 37W 9927 and rice as illegal and arbitrary.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Andhra Pradesh).

3. The petitioner claims to be the owner of lorry bearing Reg. No.AP 37W 9927. On 15.5.2016, the petitioner's lorry was intercepted by the Station House Officer, Chintalapudi Police Station and handed over the lorry and rice loaded therein to the third respondent alleging that the rice meant for Public Distribution System (PDS) was being transported in the lorry illegally. The third respondent seized the lorry and the rice under the cover of panchanama dated 15.5.2016. A perusal of the record reveals that the second respondent initiated the proceedings against the petitioner under Section 6-A of the Essential Commodities Act.

4. At the time of the arguments, learned counsel for the petitioner submitted that the second respondent released the lorry on furnishing a bank guarantee for Rs.90,000/-. He further submitted that the second respondent may be directed to release the stock. The learned Assistant Government Pleader submitted that if this court release the stock unconditionally, the respondents may face difficulty to take appropriate action against

the petitioner in the event of the seized rice is liable for confiscation after conclusion of the proceedings under Section 6-A of the E.C. Act. The learned counsel for the petitioner, in all fairness, submitted that the petitioner is ready to give bank guarantee.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by both the counsel, the second respondent is hereby directed to release the rice seized under the cover of panchanama dated 15.5.2016, in favour of the petitioner on furnishing bank guarantee for an amount of Rs.2,37,500/- (Rupees two lakhs thirty seven thousand five hundred only).

7. With the above direction, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

September 20, 2016

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T.SUNIL CHOWDARY, J