

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24643 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction of the second respondent in releasing the vehicle bearing No.AP 37 TA 2333 of 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 to be the owner of the vehicle bearing No.AP 37 TA 2333. A perusal of the record reveals that on 13.06.2016 the third respondent herein intercepted the vehicle of the petitioner alleging that the petitioner was transporting PDS rice in it. At the time of inspection, the petitioner produced way bill receipts and other relevant documents.

4 Whether the petitioner is transporting the rice knowing fully well that it is PDS rice or not will be considered in the proceedings initiated against him under Section 6(A) of the Essential Commodities Act, 1955. If this Court gives any finding on that aspect, the same may cause prejudice to one of the parties to the proceedings. If the vehicle is kept under the custody of the respondents till disposal of 6(A) proceedings, the same may cause irreparable loss 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. A perusal of the record reveals that the petitioner purchased the lorry by obtaining loan.

5 Having regard to the facts and circumstances of the case, the second respondent is hereby directed to release the vehicle bearing No.AP 37 TA 2333 in favour of the petitioner on his furnishing bank guarantee worth of Rs.3,00,000/- (Rupees Three Lakhs only). The petitioner is further directed to give 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 till disposal of the Section 6-A proceedings pending before the second respondent and that he will produce the same as and when required before the authorities.

6 With the above direction, this Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 9th August, 2016

Kvsn