

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
WRIT PETITION No.27173 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 third respondent in seizing the Lorry bearing registration No.AP 31 TA 6139 of the first petitioner and 179.20 quintals of rice of the second petitioner, as arbitrary and illegal.

2. Heard the learned counsel for the petitioners, the learned Government Pleader for Civil Supplies (Telangana).

3. The first petitioner claims to be the owner of the Lorry bearing registration No.AP 31 TA 6139 and the second petitioner claims to be the owner of the rice. On 20.07.2016 the Civil Supplies Authorities intercepted the Lorry of the first petitioner and the rice of the second petitioner nearby Illandu Cross Roads, Kothagudem of Khammam District alleging that PDS rice is being loaded in the lorry. At the time of inspection, the petitioners produced way bill receipts and other relevant documents.

4. Whether the petitioners are transporting the rice knowing fully well that it is PDS rice or not will be considered in the proceedings initiated against them 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 petitioners. So also, if the vehicle is released unconditionally, it may not be possible for the respondents to take appropriate action against the petitioners in the event of the vehicle being liable for confiscation or fine.

5. The learned counsel for the petitioners submitted that the second respondent may be directed to release the vehicle and rice on furnishing a bank guarantee by the petitioners. The learned Government Pleader for Civil Supplies consented for the same.

6. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both parties, the second respondent is hereby directed to release the Lorry bearing registration No.AP 31 TA 6139 in favour of the first petitioner on his furnishing a bank guarantee for an amount of Rs.3,00,000/- (Rupees Three Lakhs only). The second respondent is further directed to release 179.20 quintals of rice in favour of the second petitioner on furnishing a bank guarantee for an amount of Rs.3,22,560/- (Rupees Three Lakhs Twenty Two Thousand Five Hundred and Sixty only).

The first petitioner is 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.

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. No costs.

T.SUNIL CHOWDARY, J

Date: 12.08.2016

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