

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23980 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus to declare the action of the second respondent in not releasing the petitioner's lorry bearing Registration No.AP-05-TT-3609 as illegal and arbitrary.

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

A perusal of the record reveals that the lorry of the petitioner bearing Registration No.AP-05-TT-3609 was intercepted on 09.06.2016 at about 2.30 p.m. alleging that PDS rice is being loaded in the lorry. At the time of inspection, the petitioner produced way bill receipts and other relevant documents.

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 lorry is kept under the custody of the respondents till disposal of 6(A) proceedings, the same may cause irreparable loss to the petitioner. A perusal of the record reveals that the petitioner is running the lorry by obtaining loan.

Taking into consideration the facts and circumstances of the case, the respondents are hereby directed to release the lorry

bearing Registration No.AP-05-TT-609 to the petitioner on his furnishing a personal security for the value of the vehicle for an amount of Rs.5,00,000/-(Rupees five lakhs only) to the satisfaction of the second respondent. The petitioner shall also furnish an undertaking that he shall not alienate or alter the nature of the vehicle or create any third party interest over it pending disposal of the proceedings by the competent authority.

With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

22.07.2016
Rns

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