

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25774 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus challenging the inaction on the part of the respondents in releasing the stock and the auto bearing No.AP 36 TB 5663 as illegal and arbitrary and consequently direct the respondents to release the stock and the auto to the petitioner forthwith.

Heard Sri V.Krishna Murthy, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (Telangana).

A perusal of the record reveals that the third respondent herein, on 27.06.2016, seized the auto rickshaw of the petitioner bearing No.AP 36 TB 5663 along with 16 bags of rice on the sole ground that the petitioner is transporting the PDS rice. Whether the stock in question is meant for PDS or not will be decided during the course of enquiry. If this Court expresses any opinion touching the merits of the case, the same may cause prejudice to one of the parties to the proceedings. If the auto rickshaw and the rice are kept under the custody of the respondents till disposal of 6(A) proceedings, the same may cause irreparable loss to the petitioner. If the stock is released unconditionally, the same may cause inconvenience to the respondents. The only relief sought by the petitioner is to direct the second respondent to release the stock and the auto-rickshaw.

Taking into consideration the facts and circumstances of the

case, the second respondent is hereby directed to release the stock of rice on petitioner's furnishing a bank guarantee to the value of the stock. The second respondent is hereby directed to release the auto rickshaw bearing Registration No.AP-36-TB-5663 to the petitioner on his furnishing a bank guarantee for an amount of Rs.25,000/-(Rupees twenty five thousand only). 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 6-A 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**

03.08.2016
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