

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No.12379 OF 2016

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ORDER :
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It is the case of the petitioner that the 4th respondent seized the petitioner's vehicle Mahindra Maximo Mini Van bearing No.AP 04 TV 5648 on the ground that the same is used in transporting PDS rice illegally. Basing on the report submitted by the 3rd respondent, the 2nd respondent initiated proceedings under Section 6-A of the Essential Commodities Act, 1955. Though the petitioner submitted explanation to the show-cause notice under Section 6-A of the Essential Commodities Act, no orders are passed. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that in similar circumstances, this Court disposed of W.P.No.31752 of 2013 on 06.11.2013 and same is not disputed by the learned Assistant Government Pleader for Civil Supplies.

Admittedly, enquiry under Section 6-A of the Act is pending. Though the petitioner submitted explanation on 06.02.2016, till now, no orders are passed. No useful purpose would be served, if the vehicle is kept idle and it gets spoiled.

In view of the same and for the reasons stated in order dated 06.11.2013 in W.P.No.31752 of 2013, I deem it appropriate to direct the 2nd respondent to release the Mahindra Maximo Mini Van bearing No. AP 04 TV 5648 to the petitioner on furnishing bank guarantee to the value of seized stock, by obtaining an undertaking that he will not sell or transfer the vehicle in question till appropriate orders are passed in the proceedings initiated under Section 6-A of the Act.

With the above directions, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

13.04.2016.
kvs

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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