

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25525 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus to declare the seizure of petitioner's lorry bearing Registration No.AP-37-TE-5668 as illegal and arbitrary and consequently direct the respondents to release the said lorry to the petitioner forthwith.

Heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies for the State of Telangana.

A perusal of the record reveals that the lorry of the petitioner bearing Registration No.AP-37-TE-5668 was intercepted in the early hours of 22.06.2016 alleging that PDS rice is being loaded in the lorry. It is the case of the petitioner that at the time of inspection, the petitioner produced way bill, invoice, purchase order 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 expresses any opinion 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 the owner of the lorry and he is running the lorry on hire basis.

Taking into consideration the facts and circumstances of the case, the second respondent is hereby directed to release the lorry bearing Registration No.AP-37-TE-5668 to the petitioner on his furnishing a bank guarantee for an amount of Rs.3,00,000/- (Rupees three 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 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**

01.08.2016
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