

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33271 of 2016

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in seizing the petitioners' vehicles as being illegal and arbitrary.

2. Heard Sri V.V.N.Narayana Rao, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (Andhra Pradesh) representing the respondents 1 to 3.

3. The first petitioner claims that he is the owner of TATA ACE bearing No.AP 31 TW 5775. The second petitioner claims that she is the owner of Mahendra Bolero bearing No.AP 35 W 1016. A perusal of the record reveals that on 15.09.2016 the vehicles of the petitioners were intercepted by the third respondent alleging that the petitioners were transporting PDS rice in the vehicles without valid permit and authority. A perusal of the record reveals that the second respondent initiated 6-A proceedings against the owner of the rice mill.

4. The contention of the learned counsel for the petitioners is that the petitioners were transporting the rice and paddy under valid permit and way bill. The learned Assistant Government Pleader submitted that the petitioners were transporting the PDS rice illegally in their respective vehicles. This Court is not inclined to express any opinion touching the merits of the main case in view

of the pendency of 6-A proceedings against the owner of the rice mill.

5. At the time of arguments, the only submission made by the learned counsel for the petitioners is that the second respondent may be directed to release the vehicles. Learned Government Pleader opposed for release of the vehicles. If the vehicles are kept under the custody of the second respondent, it may cause financial loss and untold hardship to the petitioners. If the second respondent is directed to release the vehicles unconditionally, it may not be possible for the respondents to take appropriate action against the petitioners in the event of the vehicles being liable for confiscation or fine.

6. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to release the vehicle TATA ACE bearing No.AP 31 TW 5775 in favour of the first petitioner on his furnishing a bank guarantee for an amount of Rs.30,000/- (Rupees Thirty Thousand only) and further directed to release the vehicle MAHENDRA BOLERO bearing No.AP 35 W 1016 in favour of the second petitioner on her furnishing a bank guarantee for an amount of Rs.50,000/- (Rupees Fifty Thousand only). The petitioners 1 and 2 shall also furnish an undertaking that they shall not alienate or alter the nature of the vehicles or create any third party interest over the vehicles pending disposal of the 6-A proceedings by the competent authority.

7. With the above direction, the writ petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No order as to costs.

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T.SUNIL CHOWDARY, J

28.09.2016

Note:

Issue C.C. within three days.

B/ o. Rns

