

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24428 OF 2016

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the seizure of lorry bearing registration No.AP 05 TU 9349, which was seized in connection with 6-A Case No.48 of 2016 on the file of the second respondent as illegal, arbitrary and unjust and consequently to direct the respondents to release the said lorry to the petitioner forthwith.

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

A perusal of the record reveals that the lorry bearing registration No.AP 05 TU 9349, which belongs to the petitioner, was seized by the Assistant Supply Officer on the allegation that the petitioner was transporting PDS rice. Whether the petitioner was transporting the rice knowing fully well it is PDS rice or not will be decided in Section 6-A proceedings under the Essential Commodities Act. If the lorry is kept in the custody of the respondents, the same may cause irreparable loss to the petitioner. If the lorry is released without imposing any conditions, it may not be possible for the respondents to take appropriate action against the petitioner.

Taking into consideration the facts and circumstances of the case, the second respondent is hereby directed to release the lorry bearing registration No.AP 05 TU 9349, which belongs to the petitioner, on furnishing a bank guarantee by the petitioner for an amount of Rs.2,50,000/-.

Accordingly, the Writ Petition is disposed of. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date: 26.07.2016
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T.SUNIL CHOWDARY, J