

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25811 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 second respondent in releasing the seized stock of raw rice of 440 bags and the lorry bearing No.AP 16 TY 8458 as illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies (Telangana).

The case of the first petitioner is that he purchased 440 bags of rice from M/s.Padmavathi Venkateshwara Traders, Anantaram village, Mahaboobabad Mandal, Warangal District. The further case of the petitioners is that on 23.07.2016, the civil supplies officials intercepted the lorry bearing No.AP 16 TY 8458, which belongs to the second petitioner, suspecting that the rice in question is PDS rice. A perusal of the record reveals that the concerned authority has initiated proceedings under Section 6-A of the Essential Commodities Act against the first petitioner. Whether the seized stock is PDS rice or not will be decided in 6-A proceedings initiated against the first petitioner. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. If the lorry and the rice are kept under the custody of the respondents till disposal of 6(A) proceedings, the same may cause financial loss and hardship to the petitioners. If the stock and the lorry are released unconditionally, the same may cause inconvenience to the respondents. The only relief sought by the

petitioners is to direct the second respondent to release the seized stock of rice and the lorry.

Having regard to the facts and circumstances of the case and also the submissions made by both counsel, the second respondent is hereby directed to release the rice seized on 23.07.2016 on petitioner's furnishing a bank guarantee to a tune of Rs.3,18,000/-. The second respondent is further directed to release the lorry bearing Registration No.AP-16-TY-8458 to the second petitioner on his furnishing a bank guarantee for an amount of Rs.2,00,000/-(Rupees two lakhs only). The second 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 against the first petitioner by the competent authority.

Accordingly, 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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