

HON' BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.32200 of 2016

ORDER:

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

2. Heard Sri Bollam Lingaiah Yadav, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (Telangana) representing the respondents 1 to 3.

3. Petitioner claims that he is the owner of DCM Van bearing No.TS 06 UA 0596. A perusal of the record reveals that the third respondent intercepted the van of the petitioner at State Ware Housing Corporation Godown in Jadcherla alleging that the petitioner was transporting CMR rice in the vehicle without proper way bills. It is the case of the petitioner that he was transporting the rice in the vehicle under valid way bills. Whether the rice in question is a CMR rice or not will be decided by the competent authority. The DCM Van of the petitioner was kept under the custody of the second respondent.

4. At the time of arguments, the only submission made by the learned counsel for the petitioner is that the second respondent may be directed to release the vehicle on furnishing bank guarantee. Learned Government Pleader opposed for release of the vehicle. If the vehicle is kept under the custody of the second respondent, it may cause financial loss and untold hardship to the petitioner. If the second respondent is directed to release the vehicle

unconditionally, it may not be possible for the respondents to take appropriate action against the petitioner in the event of the vehicle being liable for confiscation or fine.

5. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to release the vehicle (DCM Van) bearing No.TS 06 UA 0596 in favour of the petitioner on his furnishing a bank guarantee for an amount of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only).

6. 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.

22.09.2016
Rns



T.SUNIL CHOWDARY, J