

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.34240 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of the 3rd respondent in seizing the stocks of the petitioner as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies representing respondents 1 and 2 and the Government Pleader for Home, representing the 3rd respondent.

3. A perusal of the record reveals that the petitioner has been manufacturing the edible oil and marketing the same in different places. While so, on 20-09-2016 at about 11.15 A.M., the 3rd respondent intercepted the vehicle along with 890 kgs of vegetable oil, which belongs to the petitioner. The concerned officials have taken the sample from the edible oil.

4. The contention of the learned counsel for the petitioner is that the seized stock is a perishable one. He further submitted that the respondents may be directed to release the stock.

5. Learned Government Pleader submitted that if the seized stock is released unconditionally, it may not be possible for the respondents to take appropriate action against the petitioner.

6. If the edible oil is kept under the custody of the 3rd respondent, the same may cause untold hardship to the petitioner. So also, if the seized stock is released unconditionally, the respondents may feel some difficulty in

taking appropriate action against the petitioner, if ultimately it is found that the seized stock is adulterated one.

7. At the time of arguments, the learned counsel for the petitioner submitted that the value of the edible oil is Rs.66,000/- and the petitioner is ready and willing to furnish bank guarantee to the value of the stock seized. The learned Assistant Government Pleader also did not dispute the value of the seized stock.

8. Having regard to the facts and circumstances of the case, the 3rd respondent is hereby directed to release 890 kgs of vegetable oil in favour of the petitioner on furnishing bank guarantee for a sum of Rs.66,000/-.

9. 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.

DATED: 13-10-2016.
Hsd

T.SUNIL CHOWDARY, J

