

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.10835 of 2016

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Between:

Avula Balaiah

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary to Government, Civil Supplies Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The case of the petitioner is that the petitioner claims to be the owner of Lorry bearing No.AP-12-U-9729 and eking out his livelihood from out of the income derived from the said vehicle. On 16.02.2015 when the petitioner was transporting Jute in his vehicle the same was intercepted by the 3rd respondent near Bridge of Boyapalem village Edlapadu Mandal, Guntur District, and under a cover of mediators report, the 3rd respondent seized the petitioner's vehicle along with the other lorries which were containing PDS rice. In that mediators report it was clearly mentioned that the petitioner was transporting 340 gunny bags of Jute in his lorry. Immediately after seizure of his vehicle, the petitioner submitted a representation to the 2nd respondent requesting him to release the vehicle and expressed his willingness to furnish third party surety. The 2nd respondent passed orders dated 11.03.2016 under Section 6(b) of the Essential Commodities Act, confiscating the vehicles and in view of the confiscation on payment of a sum of Rs.1,00,000/- for each vehicle, the confiscated vehicles may be released. Challenging the said order present writ petition is filed.

At the outset argument of the learned counsel to the effect that the lorry was carrying only jute bags cannot be accepted. What has been recorded in the panchanama is that rice in 340 gunny bags was being carried. The same would be clear, if one reads the Telugu version of the panchanama. Further the Joint Collector has considered the facts of the case.

In the facts of the present case, particularly, considering the nature of the proceedings under which Section 6 (b) orders came to be passed, this Court is not inclined to entertain the writ petition. Further, there is a provision for appeal to the petitioner, under Section 6 (c) of

the Act, available to the District and Sessions Judge, Guntur. In that view of the matter, I deem it appropriate to grant liberty to the petitioner to avail the alternative remedy of appeal seeking release of the vehicle pending the appeal.

With the above direction, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

1st April, 2016
Js.