

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7936 OF 2016

ORDER:

This writ petition is filed for a Writ of Mandamus to declare the action of respondent No.2 in not releasing the petitioner's lorry Bearing Registration No.AP 16-TY 4962 as illegal and arbitrary.

Prima facie, the very panchanama in seizing the vehicle appears to have been made to believe that the same was drafted in the police station. In the panchanama, it has been categorically stated that the District Manager, Civil Supplies Corporation Limited (Telangana) Khammam has collected the sample rice and drafted a letter to ascertain whether the rice is PDS or not otherwise and that the same is said to have been replied after getting the rice tested by the Technical Assistant, Grade II.

Absolutely there is no material to show as to when the rice samples were collected and the same was sent for testing within which time the samples were tested and returned back. Panchanama records that on 23.01.2016 the seizure has been effected the very narration of the incident shows some element of doubts with respect to seizure of vehicle and, apart from that fact, it has been categorically stated that the seized rice had been loaded at Divya Agro Food Products, Peddapuram Mandal to CLRK Industries Private Limited, Thimmapuram Village.

As the petitioner is only a transporter, the seized vehicle shall be released on condition of petitioner furnishing third party security equivalent to the value of the vehicle, as assessed by the 2nd respondent, and on a further condition to furnish an undertaking that he will not alienate the vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the 2nd respondent

With the above direction, the writ petition is disposed of. No order as to costs.

In view of the disposal of the main writ petition, miscellaneous petitions, if any pending in the writ petition, shall also be closed.

Date:11.03.2016.

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