

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.32851 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondents in seizing the vehicles bearing Nos. AP 25 X 2456 (TATA ACE) and AP 25 W 3724 (TATA ACE) of the petitioner, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleaders for Civil Supplies and Home.

3. The petitioner claims to be the owner of the vehicles bearing Nos.AP 25 X 2456 (TATA ACE) and AP 25 W 3724 (TATA ACE). A perusal of the record reveals that on 10.09.2016 the vehicles of the petitioner were intercepted alleging that PDS rice was being transported in the said vehicles.

4. The contention of the learned counsel for the petitioner is that the rice seized by the respondents belongs to private parties and it is not PDS rice. The learned counsel for the petitioner submitted that the vehicles of the petitioner have been kept under the custody of the second respondent.

5. At the time of arguments, the only relief sought for by the learned counsel for the petitioner is to direct the second respondent to release the vehicles on furnishing some security. On the other hand, the learned Government Pleader submitted that if this Court inclines to release the vehicles, the same may be released on furnishing bank guarantee.

6. If the vehicles are kept under the custody of the second respondent, the same may cause financial loss and hardship to the petitioner. So also, if the vehicles are released unconditionally, it may not be possible for the respondents to take appropriate action against the petitioner in the event of the vehicles being liable for confiscation or fine.

7. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to release the vehicles bearing Nos.AP 25 X 2456 (TATA ACE) and AP 25 W 3724 (TATA ACE) in favour of the petitioner on his furnishing a bank guarantee for an amount of Rs.80,000/- (Rupees Eighty Thousand only). The petitioner is directed to file an undertaking that he will not create any third party interest over the vehicles in question, he will not alter the nature of the vehicles and that he will produce the same as and when required before the authorities.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.09.2016

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