

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.22152 OF 2016

ORDER:

1 This Writ Petition is filed under Article 226 of the Constitution of India seeking Writ of Mandamus declaring the inaction of the 2nd respondent in releasing the vehicle of the petitioner as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the vehicle (goods carriage - HMT) bearing registration No.AP 05 TA 4338 to the petitioner.

2 Heard the learned counsel for the petitioner and the Assistant Government Pleader.

3 A perusal of the record reveals that the officials have intercepted the vehicle (goods carriage - HMT) bearing registration No.AP 05 TA 4338 belonging to the petitioner at Ellandu on the ground that the petitioner is transporting PDS rice. At the time of inspection, the petitioner produced way bills, receipt issued by the Agricultural Market Committee and also the invoices issued by Vinayaka Traders.

4 Whether the petitioner is transporting rice knowing fully well that it is PDS rice or not will be considered in the proceedings initiated under Section 6-A of the Essential Commodities Act.

5 Taking into consideration the facts and circumstances of the case, there shall be an interim direction to the respondents to release the vehicle (goods carriage - HMT) bearing registration No.AP 05 TA 4338 to the petitioner on her furnishing personal security for the value of the vehicle for an amount of Rs.10,00,000/- to the satisfaction of the second respondent. The petitioner shall also furnish an undertaking that she 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 competent authority.

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

T. SUNIL CHOWDARY, J.

Date: 19-07-2016
Kvsn