

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27935 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 third respondent in seizing 460 bags of rice along with lorry bearing registration No.AP 26 TC 0349 as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Civil Supplies (Andhra Pradesh).

3. A perusal of the record reveals that the civil supplies authorities intercepted the lorry bearing registration No.AP 26 TC 0349 on 30.07.2016 at Naidupet alleging that the lorry was loaded with PDS rice, which belongs to the State of Tamilnadu.

4. At the time of arguments, the only relief sought by the petitioners is to direct the second respondent to release the stock and the lorry. The first petitioner claims that the rice belongs to him and the second petitioner claims that he is the owner of the lorry bearing No.AP 26 TC 0349. The learned Assistant Government Pleader also consented for the same provided that the petitioners furnish the bank guarantee.

5. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

6. Having regard to the facts and circumstances of the case and also in view of the submissions made by both the counsel, the second respondent is hereby directed to release the lorry bearing

No.AP 26 TC 0349 in favour of the second petitioner on his furnishing bank guarantee for an amount of Rs.6,00,000/-(Rupees six lakhs only). The second respondent is further directed to release the stock seized, i.e. rice in favour of the first petitioner on his furnishing bank guarantee for an amount of Rs.5,00,000/- (Rupees five lakhs only). The second petitioner is further directed to furnish an undertaking that he will not alienate the vehicle or alter its physical features till completion of 6-A proceedings.

7. Accordingly, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 19, 2016.

Note:

Issue C.C. within one week.

B/o. Rns