

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 21765 of 2017

Order:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

The first petitioner states that he is the President of Bommala Ramaram Mandal Agricultural Farmers Association, Cheekatimamidi village, Bommalaramaram mandal, Nalgonda district and the second petitioner is the owner of DCM Van bearing registration No.TS 12 UA 0359. They have been selling rice at retail Shop Stall No.207 in Mehdiapatnam Rythu Bazar, Hyderabad. When the association was sending the rice in the said Van on 07.06.2017, the fourth respondent seized 152 rice bags equivalent to 103.60 quintals worth Rs.1,03,600/- and the DCM Van on the allegation that the seized rice is suspected PDS rice. The case of the petitioners is that it is not PDS rice and it belongs to five agricultural farmers of Komatikunta Thanda and Kachala Thanda. Challenging the seizure of the vehicle and rice the present Writ Petition is filed.

This Court is not in a position to decide whether the transported rice is PDS rice or genuinely belonging to the farmers. The matter has to be enquired by the second respondent. Since the matter can be enquired, without the availability of the rice, seized rice can be released to the petitioners by taking samples from the rice bags, on the petitioners furnishing bank guarantee to the satisfaction of the second respondent of the value of the seized stock and, similarly, the vehicle also can be released on the petitioners furnishing an undertaking along with bank guarantee for a sum to be determined by the second respondent

undertaking to produce the vehicle as and when required by the second respondent. As and when such bank guarantee and undertakings are furnished, the second respondent shall pass appropriate orders for release of the seized stock and vehicle. However, the other proceedings with regard to seizure shall continue.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 07.07.2017
Nsr



A. RAMALINGESWARA RAO, J