

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.16357 OF 2017

ORDER:

This Writ Petition is filed for the following relief:

“...to issue an order or direction or more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in not releasing the petitioner lorry bearing No.AP 31 X 9989 from the custody of 3rd respondent, which was seized by the officials of the 2nd respondent under a panchanama dated 15.04.2017 and crime registered in FIR No.123/2017 by 3rd respondent for the offences under Section 420 of Indian Penal Code, 1860 and Section 7 of Essential Commodities Act, 1955 as illegal, irregular, arbitrary, contrary to provisions of Essential Commodities Act, 1955 and rules framed thereunder and offends articles 14 and 21 of Constitution of India and consequently direct the respondents 2 and 3 to release the petitioner's lorry bearing No.AP 31 X 9989 by accepting third party surety/ personal bond and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case.”

2) Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents and perused the material on record.

3) Learned counsel for the petitioner submits that the petitioner is the owner of the subject seized vehicle. He further submits that without knowledge of the petitioner, his driver was transporting the rice in question and the subject vehicle was seized in connection with crime No.123 of 2017 and the same is pending.

4) Learned Assistant Government Pleader for Civil Supplies submits that proceedings under Section 6-A of the

Essential Commodities Act (for short 'the Act') are initiated and the same are pending.

5) Having regard to the above, there is nothing to keep the writ petition pending but for to participate in the proceedings under Section 6-A of the Act before the Collector (CS) to decide the dispute on merits, other than for interim custody of the vehicle as no useful purpose will be served in keeping the vehicle idle pending enquiry under Section 6-A of the Act for the same will be damaged.

6) In view of the same, the respondents are directed to release the subject vehicle to the petitioner for interim custody, pending enquiry under Section 6-A of the Act, on furnishing Bank Guarantee for the value of the vehicle as fixed by RTA concerned, within a period of two weeks from the date of receipt of copy of this order and also file undertaking affidavit not to alienate or misuse or damage the vehicle and to produce if required.

7) With the above direction, the writ petition is disposed of. No costs.

8) As a sequel, miscellaneous petitions if any pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.01.06.2017
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