

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.20241 of 2017

ORDER:

Heard learned counsel for the petitioner and also the learned Government Pleader for Civil Supplies representing the respondents.

The prayer in the writ petition is as follows:

“To issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in seizing the vehicle of the petitioner goods carriage bearing No.TS-30-T-0499 by conducting the panchanama dated 16.03.2017 even though there is no prohibition of transport of stocks of rice without releasing the same in favour of the petitioner even though the petitioner had not committed any illegality or irregularity is nothing but illegal, arbitrary, unconstitutional and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India consequentially, direct the respondents to release the goods carriage vehicle bearing No.TS-30-T-0499 to the petitioner on furnishing personal security equivalent to the value of the vehicle and pass such other order or orders.”

It is the submission of the learned Government Pleader that already the proceedings under Section 6-A of the Essential Commodities Act were initiated by the Collector (CS), Jangaon District.

Having regard to the above and in the result, the Writ Petition is disposed of while permitting interim custody of the vehicle to the petitioner subject to furnishing of bank guarantee for the value to be fixed by the RTA and to give undertaking affidavit not to alienate and to produce as and when required. Otherwise he has to wait till disposal of Section 6-A proceedings

of the Act before the Collector (CS). The Collector (CS) is directed to conclude said proceedings under Section 6-A of the Act within two (02) months, at any cost, from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 23.06.2017
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