

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21470 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th respondent in seizing the vehicle DCM Swaraj Mazda bearing No. AP 11X 5645 by panchanama dated: 25.05.2017 without there being any contravention of the provisions of Essential Commodities Act, 1955 as illegal, arbitrary and violation of principles of natural justice and consequently direct the 3rd and 4th respondents to release the vehicle DCM Swaraj Mazda bearing No. AP 11 X 5645 belonging to the writ petitioner, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard the learned counsel for the petitioner and learned Government Pleaders for Civil Supplies and Home representing for the respondents and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. It is the contention of the petitioner with supporting affidavit to the prayer that the respondents having seized the vehicle under cover of panchanama for alleged contravention of the provisions of the Essential Commodities Act, 1955, failed to respond to the release of the DCM Swaraj Mazda,

bearing registration No.AP 11X 5645 under the guise of the same carrying PDS rice and broken rice.

4. It is the submission of the learned Government Pleader that the Section 6A proceedings are contemplated though he is not certain as to initiated or to be initiated soon and the vehicle cannot be released as carrying PDS rice from the very panchanama.

5. There is nothing to show Section 6A proceedings are pending even to direct for its early disposal. However, so far as the seizure of the vehicle concerned, instead of keeping the vehicle unattended, pending disposal of the Section 6A proceedings to be initiated or initiated if any, the vehicle will be in disuse and utility will be spoiled.

6. Having regard to the above, this writ petition is disposed of, with a direction to the respondents to release the seized vehicle subject to furnishing of bank guarantee by the petitioner of the value to be fixed by the RTA and also subject to undertaking to produce as and when required and not to alienate or misuse the vehicle by impairing its utility in any manner.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

10.07.2017
SS