

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 29927 of 2017

ORDER:

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

The petitioner claims to be the owner of vehicle bearing No. AP 22 W 3770. He states that at request of the owner of essential commodities, he was transporting the PDS rice and broken rice from the outskirts of Jagdevpur Village to Hyderabad, on hire basis. When the vehicle was stopped near HP Petrol Bunk at Jagdevpur, respondent No.3-Assistant Supply Officer, Siddipet conducted an inspection and seized 11 quintals of rice and 45 quintals of broken rice on the ground that they are meant for public distribution system.

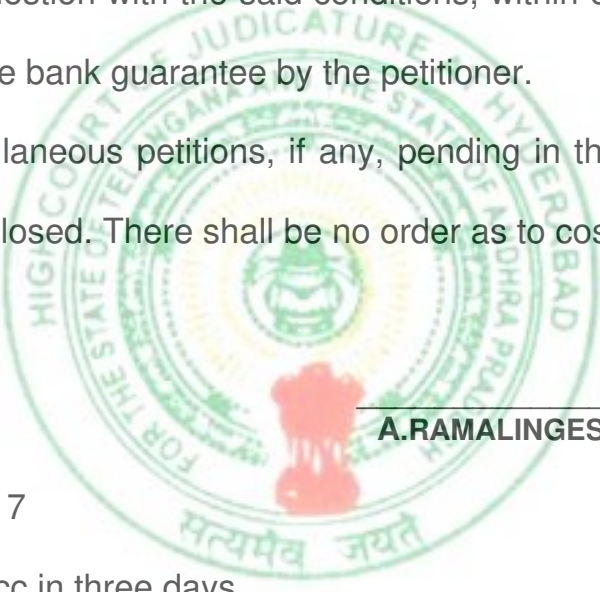
Learned counsel for the petitioner submits that respondent No.2-District Collector (Civil Supplies) Gajwel has no power to initiate proceedings under Section 6-A of the Essential Commodities Act in respect of the rice as the Central Government was not inclined to extend the restrictions on the transportation of rice and paddy and the Government of Andhra Pradesh also issued G.O.Ms.No.20, dated 21.11.2014, stating that there is no restriction on the purchase, sale and storage of rice.

Now, the allegation of the petitioner in the present writ petition relates to the transportation of rice which is meant for public distribution system. Therefore, this Court is not inclined to entertain the plea raised by the learned counsel for the petitioner,

however, continuous seizure of the vehicle would not serve any purpose.

Therefore, the writ petition is disposed of directing respondent No.2 to release the seized lorry bearing No. AP 22 W 3770 on the petitioner furnishing bank guarantee for its value to his satisfaction. The petitioner shall give an undertaking that he will not alienate the lorry during the pendency of 6-A proceedings and produce the same as and when demanded by respondent No.2. Respondent No.2 shall pass an order for release of the vehicle in question with the said conditions, within one week after furnishing the bank guarantee by the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



A.RAMALINGESWARA RAO,J

Dt:05.09.2017

Note: Issue cc in three days.
kdl

