

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43957 OF 2017

ORDER:

The grievance of the petitioners is that the stocks belonging to the 1st petitioner along with the vehicle belonging to the 2nd petitioner bearing Registration No.AP 20U 4793, which is transporting the said stocks, were seized by the 3rd respondent on the ground that the said rice is PDS rice and a case is registered under Section 420 of IPC r/w Sections 7 and 8 of Essential Commodities Act. Aggrieved by the same, the present writ petition is filed.

2. On perusal of the entire record along with panchanama proceedings, it is evident that the rice has been seized only on the sole ground that the same was purchased from the card holders.

3. Learned counsel for the petitioners placed reliance on the decision of this Court in ***Maimuna Begum and others v. State of Telangana***¹, wherein this Court held that purchase of PDS rice from the card holders will not be prohibited. It is further submitted that the vehicle is not produced so far before the 2nd respondent so as to enable the petitioners to submit a representation for release of the vehicle as well as the seized stocks.

¹ 2016 (2) ALD (CrI) 684

4. Following the above said order and in view of the submissions made by the learned counsel for the petitioners, this writ petition is disposed of, directing the 3rd respondent to produce the seized vehicle along with the stocks before the 2nd respondent forthwith and liberty is given to the petitioners to submit a representation to the 2nd respondent for release of the seized vehicle and stocks and if any such application is filed, the 2nd respondent shall consider the said representation of the petitioners for release of vehicle as well as stocks, on furnishing security for the value of the seized stocks and the subject vehicle, which will be subject to final orders under Section 6-A of the Essential Commodities Act.

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

A.RAJASHEKER REDDY, J

22.12.2017

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