

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.39926 OF 2017

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of respondents in not releasing the vehicle seized pursuant to mediators report dated 26.9.2017 in spite of a petition being filed by the petitioner on 28.9.2017, as arbitrary and illegal.

Heard Sri K.Krishna Mohan, learned counsel for the petitioner and learned Assistant Government Pleader for the respondents.

It is the case of the petitioner that he is the owner of auto bearing No.AP.27-TW-0257 and when the driver of the vehicle was transporting rice, the respondents have stopped and seized the vehicle and registered a case in Crime No.113 of 2017 under section 420 of IPC and Section 7 of Essential Commodities Act, alleging that the said vehicle was found carrying PDS rice, upon which, the petitioner submitted an application to the 2nd respondent i.e., the Joint Collector on 28.9.2017 and requested to release the vehicle, and though the petitioner is willing to furnish third party sureties and securities to the satisfaction of the 2nd respondent, the 2nd respondent has not released the vehicle.

On the other hand, learned Assistant Government Pleader for respondents submits that the 2nd respondent is the competent authority and the 2nd respondent be directed to consider the representation of the petitioner dated 28.9.2017 for release of his vehicle.

In view of the above submissions, the 2nd respondent is directed to consider the representation submitted by the petitioner on 28.9.2017 and release the vehicle on fulfilment of the terms and conditions to be

imposed by him, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date:24.11.2017

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