

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.32131 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking a Writ of Mandamus declaring the action of the respondents 2 to 4 in seizing the vehicle bearing No. KA 27 7906 (TATA SFC 407) of the petitioner for the alleged offences said to have been committed by the 5th respondent and not releasing the said vehicle in spite of the representations, as arbitrary and illegal and to consequently direct the respondents to release the said vehicle.

I have heard the submissions of the learned counsel for the petitioner and perused the material record.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and that he is not involved in commission of any offences and that the accused, who was said to have committed the offences under the provisions of Food Safety and Standards Act, 2006 (for short, 'the Act'), is required to file a statutory appeal provided under the Act in so far as the stocks seized and that the respondents 2 to 4 are not empowered to seize the vehicle of the petitioner and that the vehicle of the petitioner, which was seized about two years ago, is lying in an open place under the custody of the 2nd respondent – Joint Collector-cum-Adjudicating Officer and that the vehicle is kept idle in an open place without any protection and that keeping the vehicle idle in such an open place exposing it to Sun,

Rain and inclement/rough Weather without any protection would lead to deterioration of its value and irreparable damage and that, therefore, it is in the interest of justice to grant interim custody of the vehicle to the petitioner.

Learned Government Pleader for Civil Supplies submitted that the petitioner is required to approach the authority under the statute and that, in the event the vehicle is to be released, the petitioner may be directed to give bank guarantee.

However, learned counsel for the petitioner, in reply, submitted that the approximate value of the vehicle will be between Rs.2,00,000/- to Rs.3,00,000/- and that as it was lying idle in an unprotected open place since a long time, its value has further deteriorated and that the vehicle is taken on a finance from a Finance Company and that, therefore, no conditions can be imposed.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the 2nd respondent to give interim custody of the vehicle bearing No. KA 27 7906 (TATA SFC 407) to the petitioner on the petitioner executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with one surety for a like sum to the satisfaction of the said authority and on the petitioner furnishing an undertaking that he will not alienate or transfer the said vehicle in any manner and will maintain it in the same good and road worthy condition without changing any of its features and major parts and will not take it out of the territorial limits of the States of Telangana and Andhra Pradesh

and will produce it along with its vehicular documents at a specified place or before a specified authority as and when directed by the authority or Court concerned.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

07.09.2018
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