

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.4770 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Civil Supplies for respondents 1 to 3 and learned Government Pleader for Home for respondent No.4.

2. This writ petition is filed seeking to declare the proceedings dated 12.01.2019 issued by the 2nd respondent requiring the petitioner to furnish Bank guarantee for a sum of Rs.7,80,000/- for the release of lorry bearing No.CG 04 LQ 2239 in contrary to the valuation furnished by the Assistant Motor Vehicle Inspector, Enforcement, Mahabubabad vide letter dated 29.09.2018, as illegal and arbitrary.

3. The petitioner is the owner of the aforesaid lorry and it was seized on the ground that it was transporting PDS rice illegally. This Court had already taken view that there being no liability in identifying PDS rice and merely on suspicion, the goods and the vehicle were seized and in such case, the vehicle shall be released on furnishing suitable Bank guarantee.

4. Having regard to the facts and circumstances and since the value of the PDS rice is Rs.3,40,000/-, the respondents are directed to release the vehicle i.e., lorry bearing No.CG 04 LQ 2239 to the petitioner for interim custody subject to the final orders to be passed by the competent authority and on the petitioner furnishing Bank

guarantee for a sum of Rs.3,00,000/- (Rupees three lakhs only) in favour of the 2nd respondent and on the petitioner further giving an undertaking that he will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicle in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed by the Court or the competent authority”.

5. With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

8th March, 2019

Note:
Issue CC in two days.

(Bo)
sj

CHALLA KODANDA RAM, J