

High Court for the State of Telangana

The Hon'ble The Acting Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A.Rajasheker Reddy

W.A. No.297 of 2019

Date: 08-04-2019

Between:

The State of Telangana

Rep. by its Principal Secretary

Civil Supplies & Food Agriculture Department

Secretariat, Hyderabad and 2 others

...Appellant

and

Mahendra Kumar Paul and another

...Respondents

Counsel for the appellant: GP for Civil Supplies

Counsel for the respondents: Mr. A. Prabhakar Rao

The Court made the following:

Judgment: (per Hon'ble Sri Justice Raghvendra Singh Chauhan)

The appellants have challenged the legality of order dated 08-03-2019, passed by a learned Single Judge, in W.P. No. 4770 of 2019.

By the aforesaid order, the learned Single Judge had directed the appellants, the respondent Nos.1 to 3, to release a lorry bearing registration No. CG 04 LQ 2239 in favour of the respondent No.1, writ petitioner, provided, he furnishes a bank guarantee of Rs. 3 lakhs in favour of the appellant No.2, District Collector (CS), Mahabubabad District.

The learned counsel for the appellants submits that even according to the revaluation carried out by the Civil Supplies Department, the value of the lorry was shown as Rs.11,50,000/-. Moreover, in an identical matter filed by the respondent No.1, the writ petitioner, by order dated 05-12-2018, the learned Single Judge had directed him to pay 50% of the value of the lorry. The learned counsel, therefore, submits that even in the present case, it is 50% of the value of the lorry that the bank guarantee should include. Hence, the learned Single Judge was not justified in directing the respondent No.1, writ petitioner, to furnish a bank guarantee of merely Rs.3 lakhs. In fact, the bank guarantee should be to the

extent of Rs.5.75 lakhs. She has further pleaded that even in the writ affidavit filed by the respondent No.1, writ petitioner, he has given an undertaking to furnish a bank guarantee of Rs.5.75 lakhs. Therefore, the learned counsel submits that the impugned order passed by the learned Single Judge should be set aside.

The learned counsel for the respondent No.1, writ petitioner, agrees that the bank guarantee of Rs.5.75 lakhs should be asked to be furnished by the respondent No.1, writ petitioner.

Therefore, this Court modifies the order dated 08-03-2019, passed by the learned Single Judge, in W.P.No.4770 of 2019, and directs the respondent No.1, writ petitioner, to furnish a bank guarantee of Rs.5.75 lakhs in favour of the appellant No.2, District Collector.

With these observations, the appeal stands disposed of.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Raghvendra Singh Chauhan, ACJ)

(A.Rajasheker Reddy, J)

Dt: 8th April, 2019
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