

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.26743 of 2019

ORDER :

This writ petition is filed seeking Mandamus to declare the action of the respondents in seizing the petitioner's vehicle viz., Ashok Leyland Dost RLS FSD BS IV bearing No.TS 12UC 0822 under the cover of panchanama dt.03.07.2019, as arbitrary and illegal.

Heard Sri Somavarapu Satyanarayana, learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies appearing for the respondents.

Learned counsel for the petitioner submits that the petitioner's vehicle is no way concerned with the illegal transportation of PDS rice and no stock of PDS rice has been found in the vehicle of the petitioner. It is stated by the learned counsel for the petitioner that in similar circumstances this Court granted interim order in W.P.No.25486 of 2019, dated 29.11.2019 and same is not disputed by the learned Assistant Government Pleader for Civil supplies.

In view of the same, this writ petition is disposed of directing the respondents to release the vehicle of the petitioner on the following conditions;

- a) on production of documents regarding his ownership;

- b) on furnishing immoveable property security equivalent to the value of the seized vehicle.
- c) on production of an undertaking to the effect that he will produce the vehicles as and when required and also that he will not alienate the vehicle or alter its nature or create any encumbrance over it till completion of enquiry under Section 6-A of the Act.
- d) It is also made clear that if the petitioner do not present the vehicle before the authorities concerned as and when required, the respondents shall be at liberty to initiate criminal proceedings against the petitioner and take appropriate action in accordance with law.
- e) Release of the vehicle of the petitioner is subject to further orders in the enquiry under Section 6-A of the Essential Commodities Act, 1955.

There shall be no order as to costs. As a sequel, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

03.12.2019.
Msr

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