

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 19627 OF 2020

Between:

K.Laxmaiah, S/o. Krishnaiah, aged 24 years, R/o, Lalithapur, Uppunuthala Mandal,
Nagarkurnool, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Commissioner of Civil Supplies Department
And Ex-Officio Secretary, 3rd Floor, Civil Supplies Bhavan, Somajiguda,
Hyderabad District
2. District Civil Supplies Officer, Nalgonda, Nalgonda District.
3. Station House Officer, P.S. Dindi, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or Order one in particularly a WRIT OF MANDAMUS declaring the action of respondents in not releasing the Ashok Leyland LMV bearing No.TS31J0245, in favour of petitioner being illegal, irregular, arbitrary and in violation of principles of natural justice and consequently direct the respondents to release the Ashok Leyland LMV bearing No.TS31J0245, in favour of petitioner on him furnishing the personal bond or solvent sureties.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release the Ashok Leyland LMV bearing No.TS31J0245, in favor of petitioner on him furnishing the personal bond or solvent sureties pending disposal of the above.

Counsel for the Petitioner : SRI. S VIPLAV SIMHA REDDY

Counsel for the Respondent Nos:1 & 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following: ORDER

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.19627 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies Department.

2. The case of the petitioner is that he is driver of the vehicle i.e., Ashok Leyland LMV bearing No.TS 31J 0245 and it was seized by the 3rd respondent on 19.10.2020 on the allegation of illegal transportation of PDS Rice, and a case in Crime No.111 of 2020 was registered against the accused under the provisions of Essential Commodities Act.

3. Having considered the respective submissions made by the learned counsel, inasmuch as enquiry under Section 6-A of the Essential Commodities Act and the criminal prosecution before the criminal Court is yet to commence, pending enquiry of the proceedings, the petitioner being driver of the vehicle transporting the rice as a goods vehicle, there is no specification about the PDS commodities either in the Essential Commodities Act or in the Control Orders, and none can identify whether it is PDS rice or not, the 2nd respondent shall release the seized vehicle in question on condition of the petitioner furnishing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) or 3rd party security to the value of the vehicle and also on furnishing an undertaking that he will not alienate or change the physical features of the vehicle. The 2nd respondent shall also write to the RTA authority not to transfer the vehicle in question on any third parties name without clearance from the Civil Supplies

Department. The release of vehicle is in view of the situation existing on account of COVID-19. The release of the seized vehicle shall be subject to the orders to be passed in the enquiry under Section 6-A of the Essential Commodities Act.

4. Subject to the above, the Writ Petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner of Civil Supplies Department and Ex-Officio Secretary, State of Telangana, 3rd Floor, Civil Supplies Bhavan, Somajiguda, Hyderabad District
2. The District Civil Supplies Officer, Nalgonda, Nalgonda District.
3. The Station House officer, P.S. Dindi, Nalgonda Dist.
4. One CC to Sri. S. Viplov Simha Reddy, Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

CHR

HIGH COURT

DATED:06/11/2020



ORDER

W.P.No.19627 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COTS

10
11/11/2020