

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

FRIDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 19706 OF 2020

Between:

Saritha Seramouni, S/o. S.Venkatesh, Aged about 31 Yrs, Occ. Owner of vehicle,
R/o. H.No 7-2-41, Pragathinagar, Bairamalguda, Saroornagar, R.R.District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies Department, Secretariat Hyderabad.
2. The Civil Supplies Deputy Tahsildar, Khammam rural, Khammam District, Telangana State.
3. The Station House Officer, Khammam Rural Police Station, , Khammam 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 an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondents herein in not passing orders directing the 3rd respondent to release the Ashok Leyland lorry bearing Registration TS 07 UA 1972 seized pursuant to the Panchanama dtd 03/9/2020, in spite of several requests, as being illegal and arbitrary

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 pass orders directing the respondent No.2 herein to pass orders directing the 3rd respondent herein to release the Ashok Leyland lorry bearing Registration No. TS 07 UA 1972, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI. E RAMESH CHANDRA GOUD

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:

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.19706 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 owner of the vehicle i.e., Ashok Lay Land bearing Registration No.TS 07 UA 1972 and it was seized by the 3rd respondent on 03.09.2020 on the allegation of illegal transportation of PDS Rice, and a case in Crime No.329 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.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies Department, State of Telangana, Secretariat Hyderabad.
2. The Civil Supplies Deputy Tahsildar, Khammam rural, Khammam District, Telangana State.
3. The Station House Officer, Khammam Rural Police Station, , Khammam District.
4. One CC to Sri. E. Ramesh Chandra Goud, Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court for the State of Telangana. [OUT]
6. Two CCs to the GP for Home, High Court for the State of Telangana. (OUT)
7. Two CD Copies

PM

HIGH COURT

DATED:06/11/2020

ORDER

WP.No.19706 of 2020



Disposing of the WP
Without costs.

AM 10
11/11/2020