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

MONDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 21929 OF 2020

Between:

Mohammed Osman Qureshi, S/o. Mohammed Mahaboob Qureshi, Aged about 40 years, Occ: Business and Owner of the Ashok Leyland Dost Goods Carriage vehicle No.TS07 UH 4185 R/o. Plot No.36, Wadi-E-Mahmood, Dairy Farm, Rajendranagar, Ranga Reddy District. (Aadhar Card No.237736549072).

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies Secretariat Buildings Hyderabad
2. The Collector (Civil Supplies), Hyderabad District at Hyderabad.
3. The Chief Rationing Officer, Hyderabad, Hyderabad District.
4. The Assistant District Civil Supply Officer, Malakpet Circle, O/o Chief Rationing Officer, Hyderabad.
5. The Station House Officer, Chaderghat Police Station, Hyderabad 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 order or direction more particularly one in the nature of Mandamus declaring the action of the Junior Assistant and Junior Enquiry Officer of the 4th respondent office in seizing the Ashok Leyland Dost Goods Carriage vehicle No.TS07 UH 4185 of the petitioner together with 3.75 quintals of rice under cover of Panchanama dated 28/7/2020, registered a case in Crime No.213 of 2020 by the 5th respondent police as the same is illegal, arbitrary and without jurisdiction and consequently direct the respondents to release the Ashok Leyland Dost Goods Carriage vehicle No.TS07 UH 4185 of the petitioner seized under cover of panchanama dated 28/7/2020.

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 Dost Goods Carriage vehicle No.TS07 UH 4185 of the petitioner seized under cover of Panchanama dated 28/7/2020, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. SOMAVARAPU SATYANARAYANA

Counsel for the Respondent Nos.1 to 4: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.21929 of 2020

ORDER:

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

The petitioner is the owner of Ashok Leyland Dost Goods Carriage bearing No.TS 07 UH 4185 and he used to ply the said vehicle on hire basis for transportation of goods for eking out his livelihood. On the allegation that PDS rice was being illegally transported by the petitioner in the vehicle in question, the stocks and the vehicle involved therein were seized by the 5th respondent on 25-07-2020 and also registered a case in Crime No.213 of 2020.

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 hiring the subject vehicle for transportation of goods and in the light of the submission of the learned counsel for the petitioner that there is no specification about the PDS commodities either in the Essential Commodities Act or in the Control Orders, none can identify whether it is PDS rice or not and there is no restriction of movement of paddy and rice and the vehicle was used for transportation of the rice bags, the 5th respondent-Station House Officer, Chaderghat Police Station, Hyderabad District, shall release the subject vehicle on condition the petitioner furnishing a Personal Bond for Rs.10,000/- (Rupees ten thousand only) or 3rd party security to the value of the

vehicle and also on his furnishing an undertaking that he will not alienate or change the physical features of the vehicle. The 5th 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 vehicle shall be subject to outcome of the proceedings under Sections 6-A and 7 of the Essential Commodities Act.

Subject to the above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies, State of Telangana, Secretariat Buildings Hyderabad
2. The Collector (Civil Supplies), Hyderabad District at Hyderabad.
3. The Chief Rationing Officer, Hyderabad, Hyderabad District.
4. The Assistant District Civil Supply Officer, Malakpet Circle, O/o Chief Rationing Officer, Hyderabad.
5. The Station House Officer, Chaderghat Police Station, Hyderabad District.
6. One CC to Sri Somavarapu Satyanarayana, Advocate [OPUC]
7. Two CCs to GP for Civil Supplies, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

CHR

HIGH COURT

DATED:07/12/2020



ORDER

W.P.No.21929 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

SV
12 copies
DT 9/12/2020