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

MONDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO. 22606 OF 2020

Between:

Bhukya Srinivas, S/o. Bikshapathi, Aged about 20 years, Occ: Agriculture and Owner of the Vehicle Ashok Leyland Dost Bearing Reg.No. TS08UD-9622, R/o. Gollagudem, Thurkapally, Palle Pahad Nalgonda, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies T.S Secretariat Buildings, Hyderabad.
2. The Collector (CS), Sanga Reddy District, Sanga Reddy.
3. The Assistant Civil Supply Officer, Sanga Reddy, Sanga Reddy District.
4. The Station House Officer, Patancheru P.S., Patancheru, Sanga Reddy 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 declaring the action of the respondent No.4 in seizing the Vehicle Ashok Leyland Dost Bearing Reg.No.TS08UD-9622 under cover of FIR Crime No.401/2020 dated 24.09.2020 is illegal, improper without any power or authority under law and violation of Articles 19(1)(g) of the constitution of India and set aside the same.

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 respondent No.4 to release the Vehicle Ashok Leyland Dost Bearing Reg.No. TS08UD-9622 to the petitioner under cover of FIR/Crime No.401/2020 dated 24.09.2020 pending disposal of the main Writ petition.

Counsel for the Petitioner: M/s. C. SUNITHA KUMARI

Counsel for the Respondent Nos. 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.22606 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 bearing No.TS 08UD 9622 and he used the said vehicle for agriculture purpose and also used to hire the said vehicle for transporting the goods.

While so, on the allegation that 30 quintals of 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 4th respondent on 24-09-2020 and a case in Crime No.401/2020 was registered under Section 420 IPC and Section 7 of the Essential Commodities Act against the petitioner.

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 4th respondent-Station House Officer, Patancheru P.S,

Sangareddy 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 4th 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.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies, State of Telangana, T.S Secretariat Buildings, Hyderabad.
2. The Collector (CS), Sanga Reddy District, Sanga Reddy.
3. The Assistant Civil Supply Officer, Sanga Reddy, Sanga Reddy District.
4. The Station House Officer, Patancheru P.S., Patancheru, Sanga Reddy District.
5. One CC to M/s. C. Sunitha Kumari, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies.

MP

HIGH COURT

DATED:14/12/2020



ORDER

WP.No.22606 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS