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

MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 23126 OF 2020

Between:

1. Kotharnasu Ramesh, Kumar S/o Rama Rao Aged about 44 years, Occ Business R/o 6-46, Gandhi Bomma Center, Nawabpet, Kodad, Suryapet District (Erstwhile Nalgonda District)
2. Kaveti Krishna, S/o Mallaiah aged 69 years Occ Owner of the Eicher DCM Van Bearing Reg.No. AP16TE-4546 R/o 11-373/1, Balia Bazar, Jaggayyapeta, Suryapet District (Erstwhile Nalgonda district)

...PETITIONERS

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), Suryapet District Suryapet (Erstwhile Nalgonda district)
3. The Assistant Civil Supply Officer, Suryapet, Suryapet District (Erstwhile Nalgonda Dist).
4. The Station House officer, Munagala P.S. Munagala, Suryapet District (Erstwhile Nalgonda Dist)

...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 respondents in seizing the rice 200 bags (100 Quintals) along with Goods Vehicle Eicher DCM Van Bearing No. AP16 TE-4546 of the petitioners under cover of FIR Crime No. 193 of 2020 dated 27/9/2020 and also conducting the panchanama dated 1/10/2020 is illegal, improper and 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 Respondents 2 and 4 to release the seized stocks of rice 200 bags (100 Quintals) (Under the custody of the 2nd respondent) of the 1st petitioner along with Goods Vehicle Either DCM Van Bearing No. AP 16 TE-4546 (Under the custody of the 4th respondent) of the 2nd petitioner under cover of FIR Crime No. 193 of 2020 dated 27/9/2020 also conducting panchanama dated 1/10/2020 pending disposal of the main Writ petition

Counsel for the Petitioner: SMT. C. SUNITHA KUMARI

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

Counsel for Respondent No. 4: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.23126 of 2020

ORDER:

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

It is the case of the petitioners that the 1st petitioner is doing business in purchasing and selling the pulses, paddy and rice from Kodad, Suryapet under the name and style of Sri Siva Rama Traders. The 2nd petitioner is the owner of Goods Vehicle Eicher DCM Van bearing No.AP 16TE 4546 and the petitioner No.1 called the 2nd petitioner on hire basis to transport the rice of 200 bags (100 qunitals) from Suryapet to Mulugu.

While so, on 27.09.2020, the 4th respondent checked the vehicle in question and seized the stock of 200 bags (100 quintals) of rice bags belongs to the 1st petitioner and also seized vehicle in question belongs to the 2nd petitioner alleging that the said vehicle is being used for the transportation of PDS rice and a case in Crime No.193/2020 was registered under Section 420 r/w 34 IPC and Section 7 of the Essential Commodities Act against the petitioners.

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 1st petitioner doing business in purchasing and selling of pulses, and 2nd petitioner is owners of the vehicle in question, and in the light of the submission of the learned counsel for the petitioners 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 that no useful purpose would be served in keeping the vehicles along with stocks idle, pending enquiry, the 2nd respondent Collector (Civil Supplies) Suryapet District, (erstwhile Nalgonda District), shall release the seized stocks on furnishing bank guarantee/third party security to the value thereof by the 1st petitioner, and so also 4th respondent shall release the subject vehicle on condition of the 2nd 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 their furnishing an undertaking that he will not alienate or change the physical features of the vehicle in question. The 4th respondent shall also write to the RTA authority not to transfer the vehicles in question on any third parties name without clearance from the Civil Supplies Department. The release of vehicles is in view of the situation existing on account of COVID-19. The release of the seized stocks and the vehicle shall be subject to the orders to be passed in the enquiry under Section 6-A & 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), Suryapet District Suryapet (Erstwhile Nalgonda district)
3. The Assistant Civil Supply Officer, Suryapet, Suryapet District (Erstwhile Nalgonda Dist)
4. The Station House officer, Munagala P.S. Munagala, Suryapet District (Erstwhile Nalgonda Dist)
5. One CC to Smt. C Sunitha Kumari Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court for the State of Telangana [OUT]
7. Two CCs to GP for Home, High Court for the State of Telangana (OUT)
8. Two CD Copies

HIGH COURT

DATED: 21/12/2020



ORDER

WP.No.23126 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS