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

WEDNESDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 23262 OF 2020

Between:

Cholamandalam Investment and Finance Company Limited, Represented by its Senior Manager Legal Mr. Ali Abbas Kashani, S/o. Vali BaigKashani, Aged 52 Years, Having Regional office at 7-1-59/2, 59/6, 102, First Floor, Mandhana Towers, Ameerpet, Hyderabad.

...PETITIONER/ OWNER OF THE VEHICLE

AND

1. State of Telangana, Represented by its Secretary, Consumer Affairs, Food and Civil Department, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Chinna Chinta Kunta Police Station, Mahabubnagar District
3. The Joint-Collector, Mahabubnagar District
4. Y. Ganganna, S/o. Pedda Hanmanthu, Aged Major, Occ: Business, R/o. H. No. 1-24, Kalivada-2, Madnapur, Kothakota, Mahabubnagar 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 Writ of Mandamus, directing the respondents herein more particularly to the 2nd respondent herein to release the vehicle i.e., Ashok Leyland Dost Plus bearing No. TS 32 T 4429 in the interest of justice.

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 henceforth grant interim custody of the vehicle i.e., Ashok Leyland Dost Plus bearing No. TS 32 T 4429 to the petitioner in the interest of justice, pending disposal of the above Writ Petition.

Counsel for the Petitioner : SRI P. SHASHI KIRAN

Counsel for the Respondent No. 1: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.2: GP FOR HOME

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondent No.4: --------

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.23262 OF 2020

O R D E R

Aggrieved by the action of the 2nd respondent – Station House Officer, Chinnachinta Kunta Police Station, Mahabubnagar District, in seizing the vehicle of the petitioner i.e., Ashok Leyland Dost Plus bearing No. TS 32 T 4429 on the allegation of illegal transportation of PDS rice, and in registering a crime under Section 420 of IPC and Section 7-A of the Essential Commodities Act 1955 (for short 'the Act'), the present writ petition is filed.

Learned counsel for the petitioner submits that this court in similar facts and circumstances in W.P.No.14923 of 2020 dated 08.09.2020 disposed of the writ petition directing that pending inquiry under Section 6-A of the Act, the authorities to release the stock and the vehicle on furnishing security, and therefore, in the present case, similar order in respect of release of vehicle may be passed.

Learned Government Pleader for Civil Supplies and the learned Assistant Government Pleader for Home, have not disputed the above submission.

Having regard to the facts and circumstances of the case and the submissions of the learned counsel, and the order passed by this court, which is referred to above and for the reasons alike, and without expressing any opinion on merits, this writ petition is disposed of directing the 2nd respondent to release the subject vehicle on condition of petitioner furnishing personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) or 3rd party security to the value of the vehicle, and also on furnishing undertaking that it will not alienate or change the physical features of the vehicle.

The 2nd respondent shall also write to the RTA authorities not to transfer the vehicle in question on any third parties name without clearance from the Civil Supplies Department.

It is made clear that the release of the 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 inquiry under Section 6-A of the Act.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Consumer Affairs, Food and Civil Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Chinna Chinta Kunta Police Station, Mahabubnagar District
3. The Joint-Collector, Mahabubnagar District
4. One CC to Sri. P. Shashi Kiran, Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court for the State of Telangana. [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
7. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
8. Two C.D. Copies

Prk

HIGH COURT

DATED:23/12/2020



ORDER

WP.No.23262 of 2020

Disposing of the WP.
without costs.

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MMA
31/12/2020.