HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

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

PRESENT

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO: 23973 OF 2020

Between:

Shaik Lateef, S/o Shaik Raouf Aged about 36 years, Occ. Owner of the vehicle Ashok Leyland Dost RLS No. TS13UB 4454 R/o.H.No.12-2-356/6, Syed Ali Guda, Murad Nagar, Asifnagar, Hyderabad.

...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), Hyderabad District Hyderabad ,
3. The Assitant civil supply Officer, Khairatabad Circle, Hyderabad
4. The Deputy Tahsildar (CS), O/o Chief Rationing Officer, Hyderabad.
5. The Station House officer, Banjara Hills P.S. Banjara Hills, Hyderabad City.

...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.5 in seizing the Vehicle Ashok Leyland Dost RLS Bearing No. TS13UB 4454 of the petitioner under cover of FIR Crime No. 744/2020 dated, 14/11/2020 (Panchanama dated 14/11/2020) 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.5 to release the seized Vehicle Ashok Leyland Dost RLS No. TS13UB 4454 to the petitioner under cover of FIR Crime No. 744/2020 dated, 14/11/2020 (Panchanama dated 14/11/2020) pending disposal of the main Writ petition.

Counsel for the Petitioner : SMT. C. SUNITHA KUMARI
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

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.23973 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 Leyland Dost RLS bearing No.TS 13 UB 4454 and it was seized by the 5th respondent on 14.11.2020 on the allegation of illegal transportation of PDS Rice, and a case in Cr.No.744 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 owner 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 5th 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 third 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 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 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.VENKAIAH
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), Hyderabad District Hyderabad ,
3. The Assitant civil supply Officer, Khairatabad Circle, Hyderabad
4. The Deputy Tahsildar (CS), O/o Chief Rationing Officer, Hyderabad.
5. The Station House officer, Banjara Hills P.S. Banjara Hills, Hyderabad City.
6. One CC to Smt. C. Sunitha Kumari, 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

SRI

HIGH COURT

DATED:28/12/2020

ORDER

WP.No.23973 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

04/01/2021