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

WEDNESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 24403 OF 2020

Between:

Chitluri Balaji Koteswara Ranjit Kumar, S/o Vijaya Ramachandra Rao,
Aged 38 years, Occ. Transport Business, R/o Mulakalapalli Village and Mandal,
Bhadradri Kothagudem District.

AND **...PETITIONER**

1. State of Telangana, Rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Hyderabad.
2. The Deputy Tahsildar, Civil Supplies Department, Sathupalli, Khammam District.
3. The Station House Officer, P.S.Sathupalli, Khammam 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 especially one in the nature of writ of mandamus:

a) declaring that the seizure of goods carriage (Lorry) bearing No.AP37 V 0797 belonging to the petitioner vide FIR in Cr.No.223 of 2020 on the file of PS, Sathupalli, Khammam District as illegal, arbitrary, improper and without any jurisdiction and consequently direct the respondent No.3 to release the goods carriage (Lorry) bearing No.AP37 V 0797 of the petitioner.

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.3 to release the goods carriage (Lorry) bearing No.AP37 V 0797 to the petitioner pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. SRINIVASA RAO MADIRAJU

Counsel for the Respondent Nos.1 & 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following: ORDER

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.24403 of 2020

ORDER:

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

2. The petitioner is the owner of Lorry bearing registration No.AP 37 V 0797 and the same is used in transporting goods. While so, on the allegation that 142 bags i.e. 69 quintals of broken rice and 71 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 3rd respondent on 09.10.2020 and a case in Crime No.223 of 2020 was registered under Section 420 read with 34 IPC and Section 7 of the Essential Commodities Act against the petitioner.

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 using 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 3rd respondent-Station House Officer, Sathupali P.S, Khammam District shall release the subject vehicle on condition the petitioner furnishing a Personal Bond for Rs.50,000/- (Rupees fifty thousand only) or third 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 3rd 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 stock and vehicle shall be subject to outcome of the proceedings under Section 7 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/- I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, State of Telangana, Secretariat, Hyderabad.
2. The Deputy Tahsildar, Civil Supplies Department, Sathupalli, Khammam District.
3. The Station House Officer, P.S.Sathupalli, Khammam District.
4. One CC to Sri Srinivasa Rao Madiraju, Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

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HIGH COURT

DATED:30/12/2020



ORDER

W.P.No.24403 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

SSV
10 copies
Dt 07/01/2021