

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.111 OF 2021

Date:18.01.2021

Between:

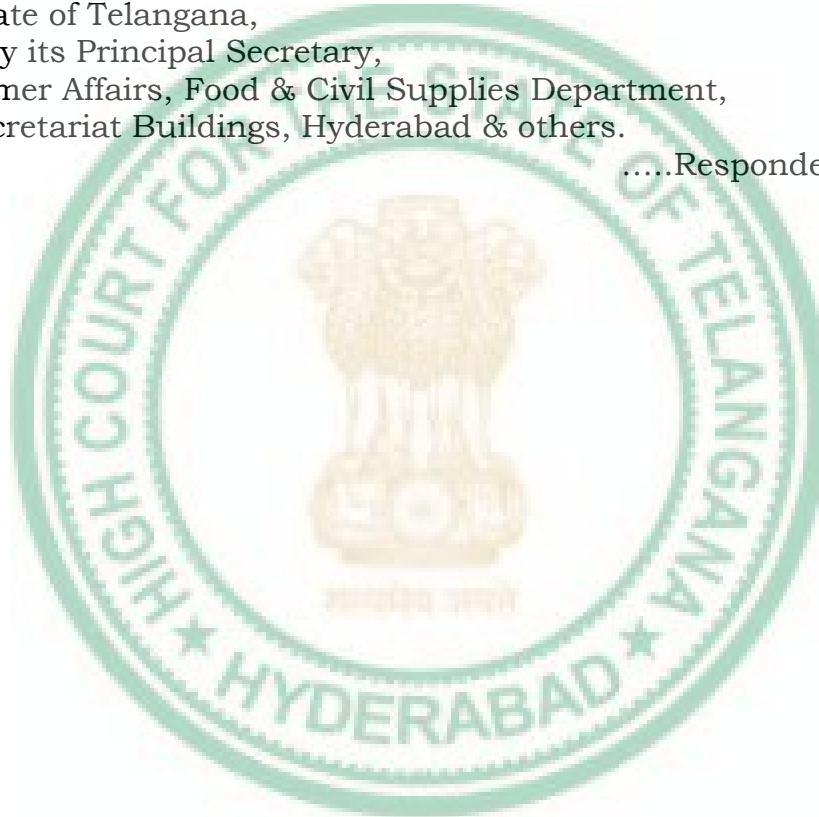
Edire Venkatesh S/o.Masaiah,
Aged about 38 yrs, Occu : Owner of the vehicle,
R/o.2-29, Thimmaipally, Jupally,
Charakonda, Nagarkurnool District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Consumer Affairs, Food & Civil Supplies Department,
T.S.Secretariat Buildings, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard. With the consent of learned counsel for the petitioner, learned Government Pleader for Civil Supplies appearing for respondents 1 to 3 and learned Assistant Government Pleader for Home appearing for 4th respondent, the writ petition is disposed of at the admission stage.

2. Aggrieved by the action of the respondents in seizing the Mahindra Bolero vehicle bearing No.AP 20 TC 3100 in connection with Crime No.533 of 2020 on the ground that the vehicle was used for illegal transportation of PDS rice, the present writ petition is filed.

3. As fairly submitted by learned Counsel for petitioner and learned Government Pleader, enquiry under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') and prosecution in the crime is yet to commence.

4. Enquiry under Section 6-A of the Act and investigation/prosecution into the crime registered against petitioner may take considerable time. Meanwhile, as the vehicle is kept in the openyard exposed to sun and other weather conditions and kept idle, road worthiness of the vehicle may be severely affected. At the same time, as the vehicle is involved in a crime and violated statutory regulations, it can not be handed over to the owner even before proceedings are concluded. Such course may bolster the offender to commit further offences and is not in public interest. In the circumstances, the Court has to balance

respective claims and take due note of public interest. In the given facts Court is inclined to opt a middle path.

5. In view of the same and having regard to the facts and circumstances of the case, without expressing any opinion on merits, the writ petition is disposed of directing the 4th respondent- Station House Officer, Kalwakurthy Police Station, Nagarkurnool District/the Joint Collector, Nagarkurnool District, as the case may be to release the vehicle in issue, subject to following conditions :

- (a) The petitioner shall furnish fixed deposit receipt as proof of opening of fixed deposit account for an amount of .4,00,000/- (Rupees Four lakhs only)/or bank guarantee for the equal sum;
- (b) he shall furnish an undertaking in writing that he will not alienate or change the physical features of the vehicle;
- (c) he shall produce the vehicle whenever required;
- (d) he shall furnish the copies of R.C. Book of the vehicle and driving licence of the driver;
- (e) the 4th respondent/the Joint Collector, Nagarkurnool District shall write to the RTA authorities not to entertain any application to transfer the vehicle in question on any third party's name without clearance from the Civil Supplies Department;
- (f) the release of the vehicle shall be subject to the orders to be passed in the enquiry under Section 6-A of the Act/prosecution of Crime No.533 of 2020.

Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

18th January, 2021
Rds

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