

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2058 of 2021

Date:05.02.2021

Between:

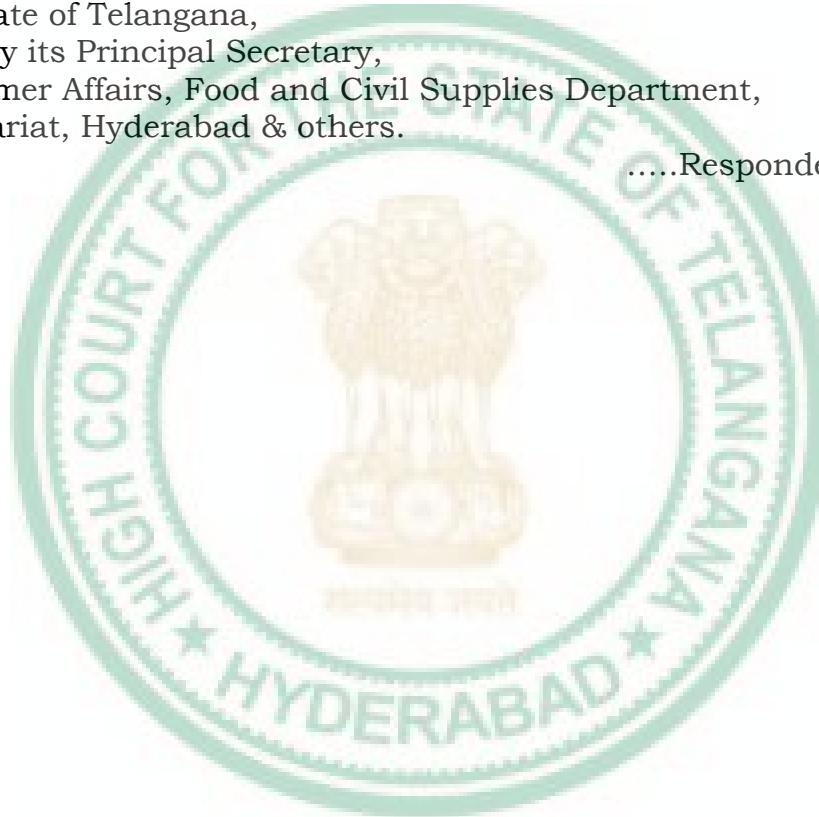
Pittala Nagaraju S/o.Veeraiah,
Age 20 yrs, Occu : Business,
H.No.13-1-33, R/o.Jammikunta,
Jammikuta Mandal, Karimnagar District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies Department,
Secretariat, 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 the respondents 1 to 3 and learned Assistant Government Pleader for Home appearing for respondent No.4, the writ petition is disposed of at the admission stage.

2. In this writ petition, petitioner is challenging the seizure of 100 quintals of rice and vehicle i.e., DCM Van bearing registration No.TS 02 UB 1808 (Bharat Benz) as illegal.

3. It appears that rice and vehicle were seized on the ground that petitioner purchased PDS rice from the card holders, therefore, liable for penal action.

4. Both counsel agreed for disposal of the Writ Petition with direction to conclude the proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') expeditiously.

5. Respondents are directed to finalize proceedings under Section 6-A of the Act expeditiously, preferably within a period of eight weeks from the date of receipt of copy of this order. However, pending finalization of Section 6-A proceedings, as rice is a perishable item, respondents are directed to release the stock of rice subject to petitioner furnishing fixed deposit receipt to the extent of 50% of the value of stock quantified by competent authority and personal bond for remaining 50%. If the confiscation proceedings end in confiscation of commodities, it is open to the

Joint Collector, to take steps to recover the balance amount in addition to the amount already deposited in pursuant to this order.

5.A. 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.B. 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, Kamalapur Police Station, Warangal Urban District/the Joint Collector, Warangal 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 .75,000/- (Rupees Seventy Five Thousand 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, Warangal

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.3 of 2021.

Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

5th February, 2021
Rds



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