

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

**THURSDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO: 5409 OF 2021

Between:

Koppuravuri Uday Kumar, S/o Chanti, Aged 25 years, occ. Business,
R/o Polisetigudem, Khammam.

...PETITIONER

AND

1. The State of Telangana, Through Principal Secretary (Civil Supplies),
Secretariat, Hyderabad.
2. The District Civil Supplies Officer, Khammam District.
3. The Dy Tahsildar, Civil Supplies, Khammam Rural
4. The Station House Officer, PS Khammam (R), 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 pass an order or direction or writ in the nature of Mandamus duly declaring the action of the 4th respondent herein in seizing the vehicle vide AP 31 Y 8169 in respect of FIR No. 61/2021 dated 02/02/2021 registered under Sections 420 IPC and Sections 7 and 8 of Essential Commodities Act as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents 3 and 4 to release the rice of 170.60 quintals of rice as well as the vehicle mentioned supra, in the interest of justice.

IA NO: 1 OF 2021

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 3 and 4 to release the rice of 170.60 quintals of rice as well as the vehicle vide AP 31 Y 8169 in respect of FIR No. 61/2021 dated 02/02/2021, in the interest of justice.

Counsel for the Petitioner: SRI. P RAMA SHARANA SHARMA

Counsel for the Respondent Nos. 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No. 4: GP FOR HOME

The Court made the following:

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.5409 OF 2021

ORDER:

With the consent of learned counsel for the petitioner and learned Government Pleader for Civil Supplies and Home, the writ petition is disposed of at the admission stage.

2. Aggrieved by the action of the 4th respondent in seizing the vehicle bearing No.AP 31 Y 8169 in connection with Crime No.61 of 2021 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. On perusal of the record would show that as the petitioner hired the vehicle for transporting the rice and he is not the owner of the vehicle, this Court is not inclined to release the vehicle to him.

5. With regard to the release of the rice, the record would show that he is doing rice business and if the rice is not released, he will be put to great trouble.

6. Enquiry under Section 6-A of the Act and investigation/prosecution into the crime registered against petitioner may take considerable time. In these 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.

7. 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 granting relief with regard to the release of the rice only. The 3rd respondent is directed to release the subject stock of rice to the petitioner subject to following conditions :

(a) The petitioner shall furnish bank guarantee for an amount valued by the concerned official;

(b) the release of the rice shall be subject to the orders to be passed in the enquiry under Section 6-A of the Act/prosecution of Crime No.61 of 2021.

Pending miscellaneous petitions, if any, shall stand closed

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary (Civil Supplies), State of Telangana, Secretariat, Hyderabad.
2. The District Civil Supplies Officer, Khammam District.
3. The Dy Tahsildar, Civil Supplies, Khammam Rural
4. The Station House Officer, PS Khammam (R), Khammam District.
5. One CC to Sri. P. Rama Sharana Sharma, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court for the State of Telangana. [OUT]
7. Two CCs to the GP for Home, High Court for the State of Telangana. (OUT)
8. Two CD Copies.

PM

HIGH COURT

DATED:04/03/2021

ORDER

WP.No.5409 of 2021



Disposing of the WP
Without costs.

AD-11
17/3/2021