

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

MONDAY, THE EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO: 5587 OF 2021

Between:

Baddela Naga Lakshmi, D/o Raja babu Aged 34 years, occ- Business,
R/o H. No. 6-186, ASR Nagar Gollalakoderu, Palakoderu West Godavari District

...PETITIONER

AND

1. The State of Telangana, through Principal Secretary (Civil Supplies), Secretariat, Hyderabad
2. The District Civil Supplies Officer, Bhadradi Kothagudem District.
3. Dy Tahsildar, Civil Supplies, Bhadradi Kothagudem District. Kothagudem
4. The Station House Officer, PS Chandrugonda, Bhadradi Kothagudem 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 3rd respondent in seizing the vehicle viz., AP 37 X 2358 of TATA Motors make, in regard to the FIR No. 104/2017 dated 03.08.2017 registered under Section 420 and Sections 7 and 8 of E.C. Act as illegal, arbitrary and against the principles of natural justice and consequently direct the 3rd respondent to release the said vehicles forthwith 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 3rd respondent to release the AP 37 X 2358 of TATA Motors make, in regard to the FIR No. 104/2017 dated 03.08.2017 registered under Section 420 & Sections 7 & 8 of E.C. Act forthwith 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: ORDER

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.5587 OF 2021

ORDER:

1. With the consent of learned counsel for the petitioner and learned Government Pleader for Civil Supplies, the writ petition is disposed of at the admission stage.
2. Aggrieved by the action of the respondents in seizing the vehicle bearing No.AP 37 x 2358 of Tata Motors make in connection with Crime No.104 of 2017 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 open yard 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, Chandrugonda Police Station, Bhadradi Kothagudem District, as the case may be to release the vehicle after obtaining the valuation certificate from the concerned MV Inspector in issue, subject to following conditions :

(a) respondents concerned, as the case may be, are directed to release the vehicle after obtaining the valuation certificate from the concerned MV Inspector subject to the petitioner shall furnish bank guarantee for an amount valued by the concerned MV Inspector 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 Station House Officer, Chandrugonda Police Station, Bhadradi Kothagudem 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.104 of 2017.

Pending miscellaneous petitions, if any, shall stand closed

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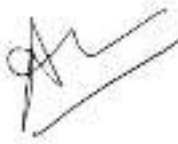
SD/- K.AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary (Civil Supplies), State of Telangana, Secretariat, Hyderabad
2. The District Civil Supplies Officer, Bhadradi Kothagudem District.
3. Dy Tahsildar, Civil Supplies, Bhadradi Kothagudem District. Kothagudem
4. The Station House Officer, PS Chandrugonda, Bhadradi Kothagudem 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 at Hyderabad. [OUT]
7. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

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HIGH COURT

DATED:08/03/2021

ORDER

WP.No.5587 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

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KMA
08/03/2021