

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

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

**PRESENT
THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO: 13844 OF 2021

Between:

Pilli Venkatesh, S/o. Seetaramaiah, Aged about 50 years, Occ Owner of the Vehicle,
R/o Chandarlapadu Village and Mandal, Krishna District, Andhra Pradesh.

...PETITIONER

AND

1. The State Of Telangana, Rep. by its Principal Secretary, Civil Supplies
Department, Secretariat Buildings, Secretariat, Hyderabad
2. The Joint Collector (CS), Khammam, Khammam District
3. The Deputy Tahsildar, Madhira Mandal, Khammam District
4. The Station House Officer, Bonakal Police Station, 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 more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not releasing the vehicle as being illegal, arbitrary, unconstitutional and consequently direct the respondents to release the Vehicle bearing No. AP07TA1289 to the petitioner on nominal bank guarantee

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 to release Vehicle bearing No. AP07TA1289 to the petitioner on nominal bank guarantee pending disposal of the writ petition

Counsel for the Petitioner : SRI J.VISHNU VARDHAN

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.13844 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 4th respondent in seizing bearing No.AP 07 TA 1289 vide FIR No.30 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. It appears that the vehicle was seized on the ground that petitioner purchased PDS rice from the white card holders for selling on higher rate and thereby cheating the people and the government, therefore, liable for penal action.
5. Enquiry under Section 6-A of the Act and investigation/prosecution into the crime registered against the 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.

6. 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 respondents concerned, 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 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, the respondents concerned 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;

(c) the respondents concerned 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.

Pending miscellaneous petitions, if any, shall stand closed

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Civil Supplies Department, State of Telangana, Secretariat Buildings, Secretariat, Hyderabad
2. The Joint Collector (CS), Khammam, Khammam District
3. The Deputy Tahsildar, Madhira Mandal, Khammam District
4. The Station House Officer, Bonakal Police Station, Khammam District
5. One CC to Sri J.Vishnu Vardhan, 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, Hyderabad (OUT)
8. Two CD Copies
9. One Spare Copy

Kj.

HIGH COURT

DATED:22/06/2021



ORDER

WP.No.13844 of 2021

DISPOSING OF THE WRIT PETITION.

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[Signature]
28/06/2021