

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

WEDNESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO. 22151 OF 2019

Between:

Chinthala Kamalakar, S/o. Ramaswamy, Age 30 years, Occ: Owner of the Vehicle,
R/o. H. No. 3-40/F/1, Hanuman Nagar, Siddipet - 502103.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs Food and Civil Supplies Department, Secretariat, At Hyderabad.
2. The Station House Officer, Thoguta Police Station, Siddipet District.
3. The Collector (Civil Supplies), Siddipet District, At Siddipet.
4. The Assistant Civil Supply Officer, (ACSO) (Civil Supplies), Siddipet 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 or direction preferably Writ of mandamus, declaring the action of the Respondents No. 2 to 4 in seizing the vehicle on 13-09-2019 and continuing in the custody in the police station and the same without any prior notice and not releasing the vehicle DCM bearing No. AP 28 V 8388 as illegal, arbitrary and violative of principles of natural justice and consequently direct the Respondents No. 2 to 4 to release the vehicle in favour of the Petitioner.

IA NO: 1 OF 2019

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 No. 2 to 4 to take immediate steps for release of vehicle DCM bearing No. AP 28 V 8388 in favour of the Petitioner, pending disposal of the main Writ Petition in the interest of justice.

Counsel for the Petitioner: SRI SURYA BALU MAHENDRA

Counsel for the Respondent Nos. 1, 3 & 4: AGP FOR CIVIL SUPPLIES

Counsel for the Respondent No.2: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.22151 of 2019

ORDER:

This writ petition is filed seeking the following relief:

"...to issue a Writ of direction preferably Writ of Mandamus, declaring the action of the Respondents No.2 to 4 in seizing the vehicle on 13.09.2019 and continuing in the custody in the police station and the same without any prior notice and not releasing the vehicle DCM bearing No.AP 28 V 8388 as illegal, arbitrary and violative of principles of natural justice and consequently direct the Respondents No.2 to 4 to release the vehicle in favour of the petitioner and pass such other or further orders as this Hon'ble court may deem fit and proper in the circumstances of the case."

2. It is stated that the petitioner is the owner and driver of the subject vehicle, which was seized by the respondent No.4 in connection with Cr.No.144 of 2019 on the file of Thoguta Police Station registered for the offences under Section 420 of the Indian Penal Code, 1860 and Section 7 of the Essential Commodities Act, 1955. The respondent No.4 lodged a report in the said Crime alleging that he found the subject vehicle in front of one Maruthi Poultry Farm filled with broken rice bags and also rice bags in the godown of Maruthi Poultry Farm. On verification in the godown, the respondent No.4 found PDS rice bags weighing 45.53 quintals and the same was seized under cover of panchanama and handed over to MLS point in-charge Thoguta for safe custody. On discreet

enquiry, it was found that one Madha Anjaneyulu, S/o. Narayana, supervisor of Maruthi Poultry Farm informed that one G. Ganesh, S/o. Chandram (Accused No.1) is the owner of the poultry farm and that PDS rice is being purchased from Lambadi people of Puttagudem at Rs.14/- to Rs.16/- per KG and the made into broken rice through crusher in the Maruthi Poultry Farm and supplied as food to the chicken birds.

3. Interim order dated 01.10.2019, passed by this Court, is as under:

"Subject vehicle be released on the petitioner furnishing 3rd party security for Rs.50,000/- (Rupees fifty thousand only), to the satisfaction of the 3rd respondent - Collector (Civil Supplies), Siddipet District and filing an undertaking that he will not alienate/transfer the vehicle, in any manner and will maintain it in good and road-worthy condition and will produce the same as and when directed.

4. The respondents have not file counter. Learned Assistant Government Pleader for Civil Supplies submitted that Section 6-A proceedings are still pending.

5. In view of the above, the interim order dated 01.10.2019 is made absolute. The writ petition is disposed of in terms of the interim order dated 01.10.2019. The release of the vehicle of the petitioner shall be subject to the outcome of Section 6-A proceedings in connection with Cr.No.144 of 2019.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-V.KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

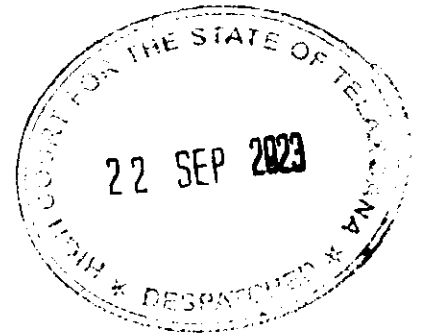
1. The Principal Secretary, Consumer Affairs Food and Civil Supplies Department, State of Telangana, Secretariat, At Hyderabad.
2. The Station House Officer, Thoguta Police Station, Siddipet District.
3. The Collector (Civil Supplies), Siddipet District, At Siddipet.
4. The Assistant Civil Supply Officer, (ACSO) (Civil Supplies), Siddipet District.
5. One CC to SRI SURYA BALU MAHENDRA, 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

MP
GJP



HIGH COURT

DATED:16/08/2023



ORDER

WP.No.22151 of 2019

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(12) Copies
Sm
19/9/23