

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

**WEDNESDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 5262 OF 2024

Between:

Syed Zakiuddin, S/o Syed Shamshuddin, Aged 45 years, Occ ; Owner of the vehicle bearing No. TS 12 UD 7873, R/o H.No.18-7-293/B/67, Murad Mahal, Charminar, Hyderabad, Telangana State.

.....PETITIONER/OWNER OF THE VEHICLE

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies T.S Secretariat Buildings, Hyderabad.
2. The Collector (CS), Rangareddy District.
3. The Assistant Civil Supply Officer, Rangareddy District.
4. The Station House Officer, Narsingi P.S., Cyberabad Commissionrate, Rangareddy 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 Mandamus, declaring the action of the respondents No. 4 in seizing the vehicle goods carriage bearing TS 12 UD 7873 the petitioner under the cover of seizure of panchanama dated 20-01-2024 by kept the vehicle in the custody of the 4th respondent police station in connection with Crime No. 123/2024 dated 20-01-2024 is illegal, arbitrary and against the principles of natural justice and also violation of Articles 19 (1) (g) of the Constitution of India and consequently direct the respondent No.4 to release the seized vehicle of the petitioner vehicle Goods Carriage bearing number TS 12 UD 7873 to the petitioner.

I.A.NO:1 OF 2024

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 respondent No.4 to release the seized vehicle of the petitioner vehicle Lorry bearing No. TS 12 UD 7873 in connection with Crime No.123/2024 dated 20-01-2024 on the file of the 4th respondent, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI C.VIVEKANAND

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 HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No.5262 of 2024

ORDER:

This writ petition is filed to declare the seizure of the petitioner's vehicle i.e., Lorry bearing No.TS 12 UD 7873 under cover of panchanama dated 20.01.2024 in connection with Crime No.123 of 2024 of Narsingi Police Station, Cyberabad District, as arbitrary and unconstitutional.

2. Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing on behalf of respondent Nos.1 to 3 and learned Government Pleader for Home appearing on behalf of respondent No.4.

3. The vehicle of the petitioner i.e., lorry bearing No.TS 12 UD 7873 was seized under cover of panchanama by respondent No.4 in connection with Crime No.123 of 2024 of Narsingi Police Station,

Cyberabad District under Section 420 of Indian Penal Code and Section 7 of the Essential Commodities Act, 1955 (for short 'the E.C. Act').

4. Learned Government Pleader for Civil Supplies submitted that proceedings under Section 6-A of the E.C. Act, have been initiated against the petitioner and the same are pending. Learned Government Pleader further submitted that the subject vehicle is still in the custody of respondent No.4-Police Station.
5. In view of the above facts and circumstances, taking into consideration the fact that the respondent authorities have initiated proceedings under Section 6-A of the E.C. Act and the same are pending, this Court is inclined to grant relief to the petitioner.
6. Accordingly, this writ petition is disposed of directing the respondent No.4 to release the vehicle i.e., Lorry No.TS 12 UD 7873, under cover of panchanama dated 20.01.2024 in connection with Crime No.123 of

2024 of Narsingi Police Station, Cyberabad District, in favour of the petitioner subject to condition of his furnishing bank guarantee by way of Fixed Deposit for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the 2nd respondent-Collector (Civil Supplies), Cyberabad District. Release of the vehicle shall be subject to outcome of the confiscation proceedings under Section 6-A of the EC Act. Pending such proceedings, the petitioner is directed not to alienate or alter physical features of the subject vehicle, and is further directed to produce the vehicle as and when required by the authorities concerned. There shall be no order as to costs.

7. Pending miscellaneous applications, if any, shall stand closed.

SD/-K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies T.S Secretariat Buildings, State of Telangana at Hyderabad.
2. The Collector (CS), Rangareddy District.
3. The Assistant Civil Supply Officer, Rangareddy District.
4. The Station House Officer, Narsingi P.S., Cyberabad Commissionrate, Rangareddy District.

5. Two CCs to GP For Civil Supplies, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri C.Vivekanand, Advocate [OPUC]
7. Two CD Copies

SA §

HIGH COURT

DATED:13/03/2024

ORDER

WP.No.5262 of 2024



**DISPOSING OF THE W.P
WITHOUT COSTS.**

(10) Copies

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8/4/24*