

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 16913 of 2008

Between:

B.J.Murali S/o.B.Janardhan
Sullurpet,Nellore District

..... PETITIONER

AND

- 1 The Collector (Civil Supplies) Chittoor District
- 2 Tahsildar Satyavedu(M) Satyavedu,Chittoor District
- 3 Sub-Inspector of Police Satyavedu P.S Chittoor District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ a of Mandamus or any other appropriate writ or direction declaring action of the respondents in seizing the lorry bearing No.AP26 X 1818 and proceeding with enquiry Under Section 6A of the Essential Commodities act and directing the petitioner to furnish Bank guarantee for Rs 1,72,000/- to release the seized lorry as illegal arbitrary and without any authority and consequently direct the respondents to release the lorry No.AP26x 1818 to petitioner and pass

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following, at the stage of admission

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ORAL ORDER:

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The Writ Petition is filed aggrieved by the initiation of proceedings under Section 6 of the Essential Commodities Act, 1955 (for short 'the Act') and by the seizure of the petitioner's lorry bearing Registration No. AP 26 X 1818, on the ground that it was found transporting 230 bags of boiled rice and 227 bags of raw rice from Madarapakam, Tamil Nadu via Sathyavedu-Nagalapuram road, without a permit.

Since there is no extant control order requiring any permit for storage or transportation of rice, but there is only the A.P. Rice Procurement (Levy) Order, 1984 and since in the factual circumstances even the allegation is that the rice is being transported from Tamil Nadu to Andhra Pradesh and presumptively the levy control order provisions would not apply, the petitioner challenges the proceedings.

When the petitioner applied for release of the vehicle pending the proceedings under Section 6 of the Act, the first respondent recorded an endorsement bearing Reference No. D1/7762/08 to the effect that the lorry would be released in favour of the petitioner on his producing a bank guarantee for Rs.1,72,000/-. Aggrieved thereby, the petitioner challenges the same also.

When the matter is taken up, the learned Government Pleader for Civil Supplies has produced, for the perusal of this Court, an order bearing Reference No. D1/762/08 dated 13.8.2008 passed by the 1st respondent, which records that

after going through the records and the rule position, the 1st respondent realizes that the rice was being transported from Tamil Nadu and does not pertain to Andhra Pradesh and therefore he withdraws the endorsement for furnishing the bank guarantee for releasing the vehicle.

The learned Government Pleader for Civil Supplies states that the purport of this order of the 1st respondent dated 13.8.2008 is that the vehicle would be released in favour of the petitioner without any requirement of furnishing a bank guarantee or any other form of security.

In the light of the first respondents proceedings dated 13.8.2008 and the above submission made on behalf of the 1st respondent by the learned Government Pleader for Civil Supplies, the grievance of the petitioner does not subsist.

The Writ Petition is accordingly dismissed as infructuous, at the stage of admission. There shall be no order as to costs.

GODA RAGHURAM, J

DATE: 29.08.2008

Note: CC as soon as possible

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CVM