

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

**THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 5306 OF 2024



Between:

1. S.R.Traders, Pammadhukutam, Red Hills, Tamilnadu State Rep. by its Proprietor Shanmugam.
2. Ainavilli Durga Rao, S/o. Pullaiah, Aged 46 years, Occ Owner of Lorry, R/o. Gowda Street, Baladadrapuram Village, Bikkavolu Mandal, East Godavari District.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep. by its Secretary, Food, Civil Supplies and Consumer Affairs Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Collector (Civil Supplies), Prakasam District, Ongole.
3. The Tahsildar, Tangutur, Prakasam District.
4. The Enforcement Deputy Tahsildar, Singarayakonda, O/o DCSO, Ongole, Prakasam 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 an order, direction or writ petition, more particularly one in the nature of writ of Mandamus declaring the action of the respondent in seizing 625 bags of boiled rice totaling 30,086 kgs along with lorry bearing No. AP 05TF 3567 under cover of Mediatonnama, dt.08.01.2024 and further order of the Collector (Civil Supplies), Prakasam District, Ongole, the 2nd respondent herein, in Rc.CS1/8A/03/2024, dt.07.02.2024 directing the Tahsildar Tangutur, the 3rd respondent herein to dispose of the seized boiled rice through public auction and further ordering the lorry bearing AP 05TF 3567 to be released to the 2nd petitioner on his furnishing of Bank guarantee for an amount of Rs. 1,50,000/- as illegal, arbitrary, without any authority of law or jurisdiction and contrary to the provisions of the Essential Commodities Act, 1955 and the Control Orders made there under and set aside the same and direct the respondents to release the seized stock to the 1st petitioner and the lorry to the 2nd petitioner and not to take any action in pursuance of the illegal seizure.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release 30,086 kgs of boiled rice to the 1st petitioner and the lorry bearing No. AP 05TF 3567 to the 2nd petitioner forthwith by suspending operation of the order passed by the 2nd respondent in Rc.CS1/6A/03/2024, dt.07.02.2024, pending disposal of Writ Petition.

Counsel for the Petitioners: SRI. V. SUDHAKAR REDDY

Counsel for the Respondents NoS.1 to 4: GP FOR CIVIL SUPPLIES

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.5306 of 2024

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Civil Supplies and perused the material available on record.

2) The case of the petitioner is that the 2nd petitioner is the owner of the vehicle i.e Lorry bearing No. AP 05TF 3567. On 08.01.2024, the 4th respondent along with Vigilance and Enforcement Officers, Ongole stopped the vehicle and seized the same high handedly under the cover of Mediatornama dated 08.01.2024 alleging that the bags loaded in the vehicle contain boiled rice. Later, the petitioner filed a petition dated before the 2nd respondent on 17.01.2024. Then the 2nd respondent issued proceedings dated 07.02.2024 directing the 3rd respondent to release the vehicle on furnishing bank guarantee. As the petitioner is unable to furnish bank guarantee and there is no movable property on his own, he seeks permission of this Court to release his vehicle on third party immovable property security. Hence, the writ petition,

3) However, considering the facts and circumstances of the case and in the light of the latest order passed by a Division Bench of this Court in '**Onteru Bhaskar vs. State of Andhra Pradesh, represented by its Principal Secretary, Civil Supplies Department and others**'¹ in our considered opinion, it is appropriate and reasonable to direct the 2nd Respondent to release the seized vehicle in favour of the petitioner on imposing certain conditions, to protect the interest of the Respondents.

4) Accordingly, the writ petition is disposed of with the following directions:

i) The proceedings dated 07.02.2024 issued by the 2nd respondent is hereby set aside; and

ii) The Respondents shall release the seized stock to the 1st petitioner and the Lorry to the 2nd petitioner bearing No. AP 05TF 3567 seized on 08.01.2024, on a condition of furnishing personal or third party immovable property as security equivalent to the value of the seized stock in the said

vehicle, within a period of two (02) weeks from the date of receipt of a copy of this order.

(iii) The Petitioner shall submit an undertaking stating that the seized vehicle shall not be alienated or mortgaged during pendency of the 6-A proceedings.

5) There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Food, Civil Supplies and Consumer Affairs Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
2. The Collector (Civil Supplies), Prakasam District, Ongole.
3. The Tahsildar, Tangutur, Prakasam District.
4. The Enforcement Deputy Tahsildar, Singarayakonda, O/o DCSO, Ongole, Prakasam District.
5. One CC to Sri. V. Sudhakar Reddy, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
7. Three C.D. Copies

nm

GL

K. Srinivasan

HIGH COURT

DATED:29/02/2024

ORDER

WP.No.5306 of 2024



**DISPOSING OF THE WP
WITHOUT COSTS**

*10 copies
SN
11/03/2024*