

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.4027 of 2023

ORDER:

The petitioner who is a dealer in food grains had hired a lorry vehicle bearing AP 39 TT 3478 to transport 425.5 quintals of rice from Rapthadu to Karnataka State. This vehicle was intercepted on 01.01.2023 at Rapthadu junction by the 3rd respondent, who seized the rice and the lorry under the cover of Mahazaranama on 01.01.2023 and thereafter the 4th respondent had registered crime No.3 of 2023 at Rapthadu Police Station on the same day. It appears that the proceedings under Section 6(a) of the Essential Commodities Act, 1955 have also been initiated.

2. The petitioner submits that the seizure and registration of the crime as well as the initiation of proceedings under Section 6(a) of the Essential Commodities Act is not sustainable as the driver of the vehicle had produced all the necessary documents including the invoice bill and permits for transporting the said rice and the seizure of the rice is clearly illegal. The petitioner would also submit that the 4th respondent, without specifying the actual quantity of rice loaded in the vehicle and without

verifying the invoices and other documents produced at the time of seizure, is continuing with the prosecution of the crime No.3 of 2023.

3. The learned counsel for the petitioner also raises various other contentions including the question of jurisdiction and authority of the 4th respondent to inspect or seize the scheduled commodities.

4. As proceedings under Section 6(A) of the Essential Commodities Act, 1955 had been initiated, the petitioner had moved an objection-cum-claim petition before the 2nd respondent on 07.01.2023 to drop further action. A request was also made for release of the seized rice and lorry, pending enquiry. Another such request for release of the seized rice and lorry was made on 20.01.2023. However, the 2nd respondent has not passed any order on these requests. Aggrieved by the inaction of the 2nd respondent in passing necessary orders, the petitioner has approached this Court by way of the present Writ Petition.

5. Sri Vijay Kumar Naidana, learned counsel for the petitioner would rely upon an earlier judgment of this Court

dated 04.08.2022 in W.P.No.24339 of 2022 to contend that in such circumstances, this Court had been directing the concerned authorities to release the seized rice and vehicle subject to the conditions stipulated in the order.

6. A perusal of the said order shows that this Court has been issuing directions for release of the seized stock, pending completion of Section 6(A) proceedings, subject to certain conditions.

7. Accordingly, this Writ Petition is disposed of with the following directions:

(i) The respondents shall release the rice seized pursuant to the Mahazarname, dated 01.01.2023, in favour of the petitioner on condition of furnishing immovable property security situated in the State of Andhra Pradesh equivalent to the value of the seized rice, within a period of two (02) weeks from the date of receipt of a copy of this order.

(ii) The respondents shall release the seized vehicle (i.e.) lorry bearing No. AP 39 TT 3478, in favour of the petitioner on condition of furnishing immovable property 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.

There shall be no order as to costs.

Miscellaneous petitions, pending if any, in this Writ Petition shall stand closed.

R. RAGHUNANDAN RAO, J

21.02.2023

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