

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No: W.P.No.13104 of 2022

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
02.	05.05.2022	<u>KVL, J</u> Notice before admission. This Writ Petition is filed questioning the action of the respondents in detaining MDU vehicle AP 39 TR 7149 and not supplying essential commodities to the petitioner without there being any suspension or cancellation of his appointment as MDU Operator as illegal and arbitrary. The case of the petitioner is that he was selected and appointed as MDU Operator on 16.01.2021. On 14.09.2021, on suspicion that the petitioner was diverting the rice into black market, 40 bags of rice, which are available in the vehicle, were seized but the vehicle was not seized. The Tahsildar, Satenapalli and Civil Supplies Deputy Tahsildar, Sattenapalli took custody of the MDU vehicle and kept in the office of the Tahsildar, Sattenapalli and the petitioner came to know that the respondents have given the subject vehicle to another person and the petitioner's appointment as MDU Operator was neither cancelled nor suspended. A case under Section 6-A of the Essential Commodities Act was registered against the petitioner and without there being any order of suspension, supply of the commodities was stopped to the petitioner. Hence, the present Writ Petition. When the matter came up for admission on 04.05.2022, the learned Assistant Government Pleader requested time to get instructions. Today, he submits that he has not received any instructions from the respondents. Copy of the notice issued to the petitioner under section 6-B of the Essential Commodities Act, 1955 dated 23.10.2021 is filed along with the	

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		Writ Petition. As seen from the said notice, the notice was issued to the petitioner to show cause as to why the seized stocks should not be confiscated to the Government and the vehicle is not at all mentioned in the said notice. As seen from the panchanama, the vehicle was not seized through the said panchanama. The allegation of the petitioner is that vehicle kept in the office of the 4th respondent. As seizure of the said vehicle is not shown in the panchanma and as no notice under section 6-B of the Essential Commodities Act was given to the petitioner to show cause as to why subject vehicle should not be seized, detention of the subject vehicle in the office of the 4th respondent is not warranted. In view of the facts and circumstances of the case, the petitioner is directed to produce immovable property security for an amount of Rs.5,80,000/- by executing a bond in favour of the second respondent strictly adhering to the Stamps and Registration Laws, on production of such immovable property as security, the second respondent is directed to release the seized vehicle bearing No.AP 39 TR 7149 as an interim custody to the petitioner, within a period of one week, in accordance with law. It is also made clear that the petitioner shall not alienate, mortgage or change the parts of the vehicle during the pendency of the enquiry and interim release of the vehicle is subject to the final order that would be passed under Section 6-A of the Essential Commodities Act. List the matter on 16.06.2022. KVL, J <i>Rmn</i>	