

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
FRIDAY, THE TWELFTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 17505 OF 2022**



Between:

Kotha Kiran Kumar, S/o. Sathyanarayana, Aged about 37 years, R/o. D.No.3-83, Pillutla Village, Machavaram Mandal, Guntur District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Velagapudi, Amaravathi.
2. The Joint Collector (C.S), Eluru, West Godavari District.
3. The Joint Collector (C.S), Bhimavaram, West Godavari District.
4. The Deputy Tahsildar (C.S), Pedapadu, West Godavari District.'
5. The Deputy Tahsildar (C.S), Tanuku Mandal, West Godavari District.
6. The Station House Officer, Tanuku Town Police Station, West Godavari 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 any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 5 & 6 in seizing the petitioner lorry bearing No.AP-16-TH-1495 and sending the same to respondent No.2 as illegal and without jurisdiction and consequently direct the respondents to release the petitioner lorry bearing Reg.No. AP-16TH-1495 and further direct payment of compensation from respondents 5 and 6 to him for depriving the use of the petitioner lorry by the petitioner for the period from the date of seizure to till date of release in the interest of justice.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed 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 the lorry bearing No.AP-16-TH-1495 to the petitioner, pending disposal of WP.No.17505 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Raja Reddy Koneti, Advocate for the Petitioner and GP for Civil Supplies for the Respondent Nos.1 to 4 and GP for Home for the Respondent No.6, the Court made the following

ORDER:

“Smt. K. Krishna Veni, District Revenue Officer, I/c Joint Collector, West Godavari District and Sri A. Pramod Kumar, Deputy Tahsildar, Pedapadu Mandal, Eluru District are present before this Court in compliance of the order of this Court, dated 02.08.2022. It is stated that the concerned Joint Collector is on leave and he will join on 16.08.2022.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

4th respondent is present before this Court and clarified that the release order dated 25.03.2022 was issued by him and the contention of the 3rd respondent in his affidavit that the release order dated 25.03.2022 is a fabricated document, is not correct.

Learned counsel for the petitioner submits that without verifying the genuinity of the release order, dated 25.03.2022, the vehicle and the stock transporting therein are seized pursuant to the mediators report dated 26.03.2022 and 6-A proceedings are initiated before the 3rd respondent. Admittedly, the stock seized in this case is the subject matter of earlier 6-A proceedings and the said stock is released on payment of penalty. After release of the said stock by release order dated 25.03.2022, during the transportation, the said stock was seized by one Civil Supplies Deputy Tahsildar, Tanuku and Assistant Sub-Inspector of Police, Tanuku Town Police station, though the release order dated 25.03.2022 was placed before the inspecting authorities.

It appears that without verification of the genuineness of the release order dated 25.03.2022, the seizure was effected illegally. Without verifying the record and the factual position, the Joint Collector, who is the 3rd respondent, also filed an affidavit before this Court with false information.

In view of the peculiar facts and circumstances of the case, this Court intends to hear the two officers personally, who effect the seizure on 26.03.2022.

Accordingly, Sri M. Durga Prasad, Civil Supplies Deputy Tahsildar, Tanuku Mandal, West Godavari District and Sri K. Satyanarayana, Assistant Sub-Inspector of Police, Tanuku Town Police Station shall appear before this Court on next date of hearing along with respondent Nos.3 and 4.

Post the matter on 18.08.2022.”

//TRUE COPY//

Sd/- T.Madhavi
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Civil Supplies Department, Secretariat, Velagapudi, Amaravathi.
2. The Joint Collector (C.S), Eluru, West Godavari District.
3. The Joint Collector (C.S), Bhimavaram, West Godavari District.
4. The Deputy Tahsildar (C.S), Pedapadu, West Godavari District.'
5. The Deputy Tahsildar (C.S), Tanuku Mandal, West Godavari District.
6. The Station House Officer, Tanuku Town Police Station, West Godavari District.
(Addressee Nos.1 to 6 by **SPEED POST**)
7. M. Durga Prasad, Civil Supplies Deputy Tahsildar, Tanuku Mandal, West Godavari District (**shall appear before this Court on next date of hearing along with respondent Nos.3 and 4) (SPEED POST)**)
8. K. Satyanarayana, Assistant Sub-Inspector of Police, Tanuku Town Police Station (**shall appear before this Court on next date of hearing along with respondent Nos.3 and 4) (SPEED POST)**)
9. One CC to Sri. Raja Reddy Koneti, Advocate [OPUC]
10. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Home, High Court of AP [OUT]
12. One spare copy

MM

HIGH COURT

DEVJ

DATED:12/08/2022

NOTE: POST THE MATTER ON 18.08.2022

ORDER

WP.No.17505 of 2022

DIRECTION

