

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SECOND 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 A.P., 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.

Respondent

Petition filed 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 and 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 filed 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 the lorry bearing No.AP-16-TH-1495 to the petitioner, Pending disposal of WP 17505 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Writ Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Raja Reddy Koneti, Advocate for the Petitioner, and of GP FOR CIVIL SUPPLIES for the Respondent Nos.1 to 5, the Court made the following;

ORDER:

Heard.

Perused the averments made in the Counter Affidavit filed by the Respondent No.3.

Learned counsel for the petitioner submits that in the light of the release order dated 25.03.2022 issued by the respondent No.4, the petitioner is transporting rice in the lorry bearing Registration No. AP 16 TH 1495. The respondent Nos. 5 and 6 seized the said stocks and aggrieved by the same, the present Writ Petition is filed.

In the Counter Affidavit filed by the respondent No.3, it is averred that the respondent No.4 i.e., the Tahsildar, Pedapadu, is not having any right to release the seized PDS rice. He is also contending that the release order issued by the respondent No.4 is not a valid document.

After considering the same, when this Court asked the learned Government Pleader whether any action has taken against the respondent No.4 for issuing that release order without any authority or initiated any criminal case against the concerned for issuing release order, the learned Government Pleader could not submit proper answer.

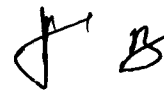
Under these circumstances, in our considered view, it is appropriate to get clarification from the respondent Nos. 3 and 4.

Accordingly, the respondent Nos. 3 and 4 are directed to appear before this Court on 12.08.2022.

Learned Government Pleader shall inform this Order to the respondent Nos. 3 and 4

//TRUE COPY//

**SD/-T. MADHAVI
ASSISTANT REGISTRAR**



For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Civil Supplies Department, State of A.P, 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.
(Addresses 3 and 4 by SPEED POST)
5. The Deputy Tahsildar (C.S), Tanuku Mandal, West Godavari District.
6. The Station House Officer, Tanuku Town Police Station, West Godavari District. **(Addresses 1, 2, 5 AND 6 -by RPAD)**
7. One CC to Sri. Raja Reddy Koneti, Advocate [OPUC]
8. Two CCs to GP FOR CIVIL SUPPLIES, High Court Of Andhra Pradesh. [OUT]
9. One spare copy

VD

HIGH COURT

DEV,J

DATED:02/08/2022

NOTE: RESPONDENT NOS. 3 AND 4 ARE DIRECTED TO APPEAR BEFORE
THIS COURT ON 12.08.2022

ORDER

WP.No.17505 of 2022

DIRECTION

