

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**

**WRIT PETITION No.19116 of 2022**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. Perused the material available on record. With the consent of both the counsel, this writ petition is disposed of at the stage of admission.

2. The learned counsel for the petitioner submits that the petitioner is the owner of Ashok Leyland Dost Van bearing No.AP16 TG 7108 and the same is using for transportation of goods. On 24.03.2022, when the 5<sup>th</sup> respondent is transporting rice from Yanamalakuduru to Pamarru with 55 bags of rice, the 3<sup>rd</sup> and 4<sup>th</sup> respondents conducted surprise check of the vehicle and alleged that the rice transported in the petitioner vehicle is PDS rice and seized the same and registered a case in Crime No.53/2022 and a proceedings under Section 6A are initiated.

3. The petitioner being the registered owner of the seized vehicle submitted a petition dated 07.04.2022 to the 2<sup>nd</sup> respondent requesting to release the seized vehicle in his favour. Aggrieved by the action of the 2<sup>nd</sup> respondent in not passing any orders on the petition, the present writ petition has been filed.

4. The learned Government Pleader for Civil Supplies, on instructions, submits that to consider the petition dated 07.04.2022 of the petitioner, the 2<sup>nd</sup> respondent has requested the concerned Motor Vehicle Inspector, Vijayawada vide letter dated

24.06.2022 to furnish the upset value of the seized vehicle of the petitioner and the reply is awaited. Learned Government Pleader further submits that immediately after receipt of the report from the Motor Vehicle Inspector, the petition dated 07.04.2022 of the petitioner will be considered in accordance with law.

5. Having heard the submissions of the respective counsel and upon perusal of the material available on record, it is an admitted fact that the petitioner has submitted a petition dated 07.04.2022 seeking release of the seized vehicle pursuant to the seizure dated 24.03.2022. We are unable to understand why the 2<sup>nd</sup> respondent kept quiet till 24.06.2022 without calling for the report from the concerned Motor Vehicle Inspector, Vijayawada to get the upset value of the seized vehicle. If the 2<sup>nd</sup> respondent addressed the Motor Vehicle Inspector to assess the upset price of the seized vehicle immediately after receipt of the petition dated 07.04.2022 of the petitioner, the petitioner need not wait for the release of the vehicle for these two months and he could not approach this Court by filing this writ petition.

6. As such in our considered view, there is clear inaction on the part of the 2<sup>nd</sup> respondent in considering the petition filed by the petitioner for release of the vehicle. The 2<sup>nd</sup> respondent has to keep in mind with respect to the damage will be caused to the seized vehicle, if it is stationed in the open place of the police station premises, as it is exposing to sun and rain for all these days. Once vehicle is damaged and if the petitioner succeed in 6A proceedings, the entire value of the vehicle has to be paid to the petitioner from the public exchequer and definitely it will cause

loss to the public money. Under these circumstances, we are expressing our displeasure towards the attitude of the 2<sup>nd</sup> respondent in not considering the petition submitted by the petitioner for release of the seized vehicle in proper manner.

7. Considering the facts and circumstances of the case, in our view, it is appropriate to direct the 2<sup>nd</sup> respondent to pass orders on the petition dated 07.04.2022 submitted by the petitioner for release of the seized vehicle within a period of three (3) days from today in accordance with law. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE BATTU DEVANAND**

Date : 20.07.2022

**Note:** Issue CC today.

B/o

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Dt.20-07-2022

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