

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 29747 OF 2022



**Between:**

Kunduri Yogi Reddy, S/o. Yogi Reddy, Aged about 46 years, owner of the lorry, R/o. R.Ummadivaram, Pullalacheruvu Village, Prakasam District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary - Civil Supplies, Secretariat, Amaravathi at Velagapudi, Guntur District.
2. The Collector (CS), Prakasam at Ongole.
3. The Enforcement Deputy Tahsildar, Yerragondapalem Mandal, Prakasam District.
4. The Station House Officer, Yerragondapalem Police Station, Prakasam 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 a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2<sup>nd</sup> respondent in issuing proceedings in Rc.No.CS1/6A/145/2021, dated 10.6.2022 directing the petitioner to submit Bank Guarantee for Rs.10,00,000/- for release of the petitioner's -Ashok-Leyland-Lorry bearing-No. AP-39 TB-1555 which is seized in connection with Crime No.222/2021, on the file of the 4th respondent Police Station is illegal, arbitrary and unjust and consequently direct the 2nd respondent to modify the interim disposal order vide proceedings in Rc.No.CS1/6A/145/2021, dated 10.6.2022 in so far as bank guarantee for Rs.10,00,000/- is concerned and consequently, to release the vehicle by accepting third party surety/ collateral security.

**IA NO: 1 OF 2022**

Petition 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 grant interim direction directing the 2<sup>nd</sup> respondent to release the Ashok Leyland Lorry bearing No. AP 39 TB-1555 of the petitioner seized in connection with Crime No.222/2021 of the 4th respondent by accepting the third party surety/personal bond, pending disposal of the above writ petition.

**Counsel for the Petitioner : SRI RAMA RAO KOCHIRI**

**Counsel for the Respondent Nos.1 to 3 : GP FOR CIVIL SUPPLIES**

**Counsel for the Respondent No.4 : GP FOR HOME**

**The Court made the following: ORDER**

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

**WRIT PETITION NO.29747 of 2022**

**ORDER:**

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and perused the material available on record.

2) Having heard the respective counsel and upon perusal of the material available on record, it is an admitted fact that subsequent to the seizure of the rice and vehicle, a proceedings under Section 6A are initiated before the 2<sup>nd</sup> Respondent, who is the competent authority. The illegality and validity of the seizure has to be decided by the 2<sup>nd</sup> Respondent in 6A proceedings.

3) However, considering the facts and circumstances of the case and in the light of the latest order passed by a Division Bench of this Court in **Onteru Bhaskar vs. State of Andhra Pradesh, represented by its Principal Secretary, Civil Supplies Department and others**<sup>1</sup> in our considered opinion, it is appropriate and reasonable to direct the 2<sup>nd</sup> Respondent to release the seized vehicle in favour of the

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<sup>1</sup> 2022 SCC OnLine AP 348



petitioner on imposing certain condition, to protect the interest of the Respondents, pending disposal of the 6A proceedings.

4) Accordingly, the writ petition is disposed of with the following directions:

(i) The interim disposal order in Rc.CS1/6A/145/2021, dated 10.06.2022, issued by the 2<sup>nd</sup> Respondent is hereby set aside.

(ii) The Respondents shall release the lorry bearing No.AP 39 TB-1555 seized pursuant to the panchanama, dated 15.08.2021, in favour of the petitioner on condition of furnishing personal or third party immovable security property 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.

5) There shall be no order as to costs.

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

Sd/- K.SRINIVASA RAJU  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary - Civil Supplies, State of Andhra Pradesh, Secretariat, Amaravathi at Velagapudi, Guntur District.
2. The Collector (CS), Prakasam at Ongole.
3. The Enforcement Deputy Tahsildar, Yerragondapalem Mandal, Prakasam District.

4. The Station House Officer, Yerragondapalem Police Station, Prakasam District.
5. One CC to Sri Rama Rao Kochiri, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
8. Two C.D. Copies

Cnr  
Mmb



**HIGH COURT**

**DATED:14/09/2022**

**ORDER**

**WP.No.29747 of 2022**



**DISPOSING OF THE W.P.  
WITHOUT COSTS**

21/9/22

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