

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 30201 OF 2022

Between:

1. P. Chinthanna, S/o Patadhi Beemaiah, Aged about 58 years, Occ - Prop Ragavendra Traders, Food grains dealers (Regd.) R/o 2-5, Santosh Nagar, Kurnool, Kurnool District.
2. T.K. Nadipi Chinniah, S/o Chinni Krishnana, Aged about 48 R/o 1-12-2/3/B, Plot No.236, Santhosh Nagar, Gadwal, Mahabubnagar, Telangana District

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Civil Supplies Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Joint Collector, Ananthapuramu, Ananthapuramu District,
3. The Tahsildar, Rapthadu Mandal, Ananthapuramu, Ananthapuramu District,
4. The Station House Officer, Rapthadu Police Station, Rapthadu Mandal, Ananthapuramu, Ananthapuramu 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 appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd and 4th respondents in seizing the petitioner's Ashok Lay land Lorry bearing No TS 33 T0459 along with stock, involving Cr.No.140/2022, dt.07.09.2022 of Rapthadu Police Station, Ananthapuram District, to alleging that PDS rice is being transported in the vehicles as wholly arbitrary, illegal, eccentric contrary to provisions of Essential Commodities Act, 1955, A.P State Targeted Public Distribution System (Control) Order, 2018, Code of Criminal Procedure besides being violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19(1)(g) and 21 of Constitution of India and consequently direct the 4th respondent to release the vehicle of the petitioner, Ashok Lay land Lorry bearing No TS 33 T0459 along with stock.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th respondent to release the vehicle of the petitioner, Ashok Lay land Lorry bearing No TS 33 T0459 along with stock, pending disposal of WP 30201 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 Sree Rama Rao Yerraguntla, Advocate for the Petitioners and of GP for Civil Supplies for the Respondent Nos.1 & 2 and GP for Home for Respondent Nos.3 & 4, the Court made the following.

ORDER:

"On 16.09.2022 the learned Government Pleader for Civil Supplies sought time to get instructions in this case.

Today when the case is listed, the learned Government Pleader submits that he received instructions from the respondent No.2 without furnishing correct details to place before the Court.

Learned counsel for the petitioners submits that the vehicle of the petitioner No.2 was seized on 06.09.2022 and thereafter he submitted an application dated 12.09.2022 seeking interim release of the seized vehicle pending 6-A proceedings.

Learned counsel for the petitioners contends that the said petition is neither considered nor rejected till date.

As the learned Government Pleader could not get the proper instructions from the respondent No.2 with regard to the status of the petition submitted by the petitioner on 12.09.2022, this Court intends to order for appearance of the respondent No.2 before this Court with proper instructions.

Accordingly, the respondent No.2 is directed to appear before this Court on 28.11.2022.

Learned Government Pleader is directed to inform this Order to the respondent No.2."

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Joint Collector, Ananthapuramu, Ananthapuramu District. (By Speed Post)
3. The Tahsildar, Rapthadu Mandal, Ananthapuramu, Ananthapuramu District.
4. The Station House Officer, Rapthadu Police Station, Rapthadu Mandal, Ananthapuramu, Ananthapuramu District. (1 3 & 4 by RPAD)
5. One CC to Sri. Sree Rama Rao Yerraguntla, 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. One spare copy.

MSB

HIGH COURT

DEV,J

DATED:21/11/2022

ORDER

NOTE: Respondent No.2 is directed to appear before this Court on 28.11.2022

WP.No.30201 of 2022

INTERIM DIRECTION

