

(1985) 02 AP CK 0023
In the Andhra Pradesh High Court
Case No : Writ Appeal No. 204 of 1985

G. Subbarama Naidu

APPELLANT

Vs

The Joint Collector, Chittoor Dist. and Others

RESPONDENT

Date of Decision : 22-02-1985

Acts Referred:

Essential Commodities Act, 1955 — Section 6A

Citation : AIR 1986 AP 82

Hon'ble Judges : Seetharam Reddy, J;Punnayya, J

Bench : Division Bench

Advocate : P. Krishna Reddy, for the Appellant; Government Pleader, for the Respondent

Judgement

1. The lorry was seized on the ground that an offence under the Essential Commodities Act was committed. The Joint Collector refused to release the lorry when an application was made by the appellant on the ground that the vehicle is consistently involved in a series of offences. Hence the writ petition was filed by the owner. But the learned single Judge dismissed the writ petition holding that the Joint Collector exercised his discretion declining to release the lorry and there is no error of law or jurisdiction. It is against this Judgment that the present writ appeal is preferred.

2. Heard both sides. We do not think that the learned single Judge is justified in saying that the lorry cannot be released since it was involved in a number of offences. We gain support for our view from the proviso to S. 6A of the Essential Commodities Act, which reads as under :

"Provided further that in the case of any vehicle, vessel or otherwise conveyance used for the carriage of goods or passengers for hire the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance".

3. This proviso makes it abundantly clear that the Legislature in its wisdom felt that the vehicle need not be confiscated even if it is involved in a series of offences and it should be released if the owner is prepared to pay fine not exceeding the market price at the date of seizure of the essential commodities. Hence we set aside the order under appeal and direct the Joint Collector to release the lorry to the petitioner on his furnishing security equivalent to the value of the seized essential commodities of the satisfaction of the Joint Collector. In the result the writ appeal is allowed. No costs. Advocate's fee Rs. 200/-.

4. Appeal allowed.