

(2025) 07 AP CK 0401

In the Andhra Pradesh High Court, Amaravati

Case No : Writ Petition No: 16315 Of 2025

Posepalli Siva Sankara Rao

APPELLANT

Vs

State Of Andhra Pradesh & Ors.

RESPONDENT

Date of Decision : 04-07-2025

Acts Referred:

Essential Commodities Act, 1955 — Section 6A

Citation : (2025) 07 AP CK 0401

Hon'ble Judges : T.C.D. Sekhar, J

Bench : Single Bench

Advocate : K Joseph

Final Decision : Disposed Of

Judgement

T.C.D. Sekhar, J

1. The petitioner claims that he is the owner of the Mahindra Bolero vehicle bearing registration No.AP 27 TY 4077.

2. It is further case of the petitioner that on 13.05.2025 Respondent No.3 along with Kurichedu Police have intercepted the vehicle. Respondent No.3 and his subordinates conducted the inspection and found that the subject vehicle is illegally transporting PDS rice. In that connection, the said vehicle was seized along with stock. Thereafter, a report was submitted to Respondent No.2 for initiating proceedings under Section 6-A of EC Act, 1955.

3. It is further case of the petitioner that he made application before Respondent No.2 seeking to release the subject vehicle and after hearing parties, the Respondent No.2 by impugned notice dated 21.06.2025, ordered to release the subject vehicle by directing the petitioner to furnish bank guarantee for an amount of Rs.2,00,000/-(Rupees Two Lakhs only).

4. The present writ petition is filed questioning the said notice issued by Respondent No.2 in so far imposing such onerous condition. The counsel for the

petitioner submitted that the petitioner is ready to furnish third party security towards the value of the subject vehicle instead of furnishing bank guarantee as per the impugned notice, dated 21.06.2025.

5. The learned counsel for the petitioner plead reliance on order, dated 15.02.2022 passed in Writ Appeal No.201 of 2022. In the said appeal, the Division Bench of this Court while disposing of the matter, directed the appellants therein to furnish third party immovable property security to the value of the vehicles.

6. Learned Assistant Government Pleader did not object to pass similar order.

7. Having considered the submissions made by the learned counsel for the petitioner, the present writ petition is disposed of, directing the respondents to release the subject vehicle, on furnishing third party immovable property security for an amount of Rs.2,00,000/- (Rupees two lakhs only) by the petitioner. The petitioner is further directed to file undertaking before the respondents that he shall not alienate or create third party interest over the subject vehicle during pendency of the 6-A proceedings. It is needless to mention that the said undertaking shall also contain a recital that the petitioner shall not substantially alter or change the condition of the subject vehicle.

8. With the above directions, the present writ petition is disposed of. There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.