

(2013) 03 KAR CK 0028

In the Karnataka High Court

Case No : Writ Petition No. 100876 of 2013 (GM-RES)

Siddappa

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 22-03-2013

Acts Referred:

Citation : (2013) 5 KarLJ 653

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : Ashok B. Mulage, for the Appellant; Manavendra Reddy, Government Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

D.V. Shylendra Kumar, J.—Learned Government Advocate takes notice for respondents. Writ petitioner claiming to be the owner a lorry bearing Reg. No. KA-32/BN-3290, which has come to be seized by the Chittapur Police and handed over to the Food and Civil Supplies Department in violation of the provisions of orders passed under the Essential Commodities Act, 1955, is aggrieved by the condition imposed by the Deputy Commissioner of Gulbarga District, which is condition imposed that in respect of the value of the lorry at Rs. 12,00,000/-, Bank guarantee for a sum of Rs. 6,00,000/- should be issued and an indemnity bond for the balance amount should be furnished etc.

2. Heard Sri Ashok B. Mulage, learned Counsel appearing for the petitioner and Sri Manavendra Reddy, learned Government Advocate appearing for the respondents.

3. Sri Manavendra Reddy, learned Government Advocate points out that the condition is reasonable and there is no need for interference.

4. Sri Ashok B. Mulage, learned Counsel for the petitioner submits that the only source of livelihood of the petitioner is the transportation business work in the lorry and not being in a position to furnish Bank guarantee for a sum of Rs.

6,00,000/-, instead will furnish surety of immovable property to the satisfaction of the authorities.

5. In the circumstances, the order passed by the Deputy Commissioner is modified, directing the petitioner is furnish instead of Bank guarantee for a sum of Rs. 6,00,000/- a security of immovable property of the value of Rs. 6,00,000/- with two sureties to the satisfaction of the authorities and the other conditions remain as it is. Writ petition is disposed of accordingly.