

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29437 of 2015

ORDER:

The petitioner is the Managing Partner of the rice mill, who was running the rice mill under Food Grains Licence in Form B under Clause 3(ii) of the A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. The A.P. State Civil Supplies Corporation is purchasing the paddy directly from the farmers and supplying the same to the rice mills for custom milling. The said Corporation has supplied 47270.40 quintals of paddy to the petitioner during Rabi season for custom milling. The petitioner got permission for custom milling the said paddy by another mill also, which is situated in V.Venkatapuram village, Sankhavaram Mandal, East Godavari District. In respect of the quantity supplied during Rabi season, the petitioner delivered 14,310 quintals of custom milling rice to the Corporation and supplying the balance quantity. While so, the sixth respondent along with Vigilance and Enforcement Officers inspected the mill at V.Venkatapuram on 04.08.2015 and seized 144.5 quintals of custom milling rice and 45 quintals of custom milling paddy alleging that they observed unloading of 30 quintals of PDS rice from the vehicle bearing No.AP 05 TD 2003 stationed in the premises of the said rice mill. Next day they came to the mill of the petitioner and seized some quantity. When the petitioner filed a petition on 17.08.2015 for release of the seized stock, the second respondent passed an order on 24.08.2015 for interim disposal of the seized stock without considering the petition of the petitioner. In those circumstances, the present writ petition is filed challenging the order passed by the second respondent dated 24.08.2015.

Though the learned counsel for the petitioner raised several grounds challenging the seizure itself, this Court is not inclined to

examine those contentions in view of the disposal of the present writ petition by setting aside the impugned order dated 24.08.2015 and remanding the matter to the second respondent for consideration of the petition of the petitioner dated 17.08.2015 in accordance with law and passing appropriate orders thereon within a period of two (2) weeks from the date of receipt of a copy of this order. It is needless to mention that the petitioner is entitled to raise all the contentions available to him including challenge to the seizure of paddy and rice from the petitioner's mill.

Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

18.09.2015

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Note: Issue C.C in three days

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