

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.13108 of 2015

DATED: 29.04.2015

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Between:

Kolla Eswara Rao

.. Petitioner

And

The State of Andhra Pradesh,

Civil Supplies Department,

Rep. by its Principal Secretary and others.

.. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.13108 of 2015

ORDER:

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Heard.

Petitioner is stated to be conducting petty kirana business. The officials of the Vigilance and Enforcement Department along with the 4th respondent- Senior Checking Inspector (In-charge), Madhurawada Area, Visakhapatnam, inspected the petitioner's business premises on 26.02.2015 and seized certain stocks on the ground of contravention of the provisions of Andhra Pradesh Scheduled Commodities (Licensing, Storage and Regulation) Order 2008 (for short 'the Control

Order') and a report under Section 6-A of the Essential Commodities Act, 1955, was submitted to the Collector, Visakhapatnam. Petitioner states that the stock of the value of Rs.77,898/- is lying seized in 6-A proceedings and he made an application on 10.04.2015 to respondent No.3 for release of the seized stock, but no orders are passed on the said application so far. The petitioner, therefore, filed the present writ petition.

Learned counsel for the petitioner contended that the very initiation of 6-A proceedings is unsustainable inasmuch as the Control Order itself has no application to the fact situation, in view of the clarification issued by the Government of A.P. in memo bearing CCS.Ref.No.PI(3)/1831/2014 dated 09.04.2015.

Prima facie, the said contention of the learned counsel for the petitioner appears sustainable, as the aforesaid clarification of the Government of A.P. specifically declares that the Control Order shall not be applicable in respect of paddy and rice from 01.12.2014.

The 3rd respondent, who is considering the petitioner's application for release of seized stock, needs to examine the matter from this point of view also.

Accordingly, the writ petition is disposed of, directing the 3rd respondent to consider the petitioner's application for release of the seized stock on merits including the aspect mentioned above and pass appropriate orders expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order. It is further directed that pending consideration of the petitioner's application, the seized stock shall not be sold.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

29th April, 2015

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