HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.19183 of 2015

ORDER:

A private bank is the petitioner in this Writ Petition. The fourth respondent is a warehouse where farmers, to whom the amount lent by the petitioner, deposit their commodities. The fifth respondent is the owner of warehouse but leased out the same to the fourth respondent. The fourth respondent is conducting his business under warehouse licence No.05/2015, dated 01.01.2015, issued under Section 5 of the Hyderabad Warehouse Regulations, 1350 Fasli. While so, 6-A proceedings were initiated against the fourth respondent and a communication was received from the third respondent asking to furnish whether 11 farmers pledged stock in the petitioner – lead Bank Manager, Adilabad through the fourth respondent. The present Writ Petition is filed on the ground that, if final orders are passed by the third respondent in 6-A proceedings appropriating money to the government, the interest of the petitioner – Bank would be affected.

Since auction had already taken place and no final order was passed in 6-A proceedings, the Writ Petition is disposed of directing the petitioner to file an appropriate application before the third respondent in 6-A proceedings, and the third respondent shall consider the same, pass appropriate orders, and pass final orders in 6-A proceedings, consequent to seizure of 19310 bags, consisting of 50 Kgs. each bag, totaling 9,655 Qtls. worth Rs.3,66,89,000/- from the fourth respondent on 18.05.2015. The petitioner is given one week time to file the application and, till the application of the petitioner is decided, no final orders shall be passed by the third respondent. In the event of the petitioner not availing the remedy of filing an application within one week, it is open for the third respondent to proceed in accordance with law.

The Writ Petition is, accordingly, disposed of.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of.

A. RAMALINGESWARA RAO,J

Date:26.06.2015
Note:CC by 29.06.2015
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