

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.21128 of 2009

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30.09.2015

Between:

M/s.Sri Shanmukhi Traders, Chennai, Tamilnadu

.. Petitioner

and

The Deputy Tahsildar (Civil Supplies), Medak and others

.. Respondents

Counsel for the petitioner: Mr.V.H.V.R.R.Swamy

Counsel for the respondents: Government Pleader for Civil Supplies (TS)

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in seizing lorry bearing No.MH 25 B 9967 along with 170 quintals of raw rice on 23.09.2009 as illegal and arbitrary.

At the hearing, Mr.V.H.V.R.R.Swamy, learned counsel for the petitioner, submitted that on the strength of the interim order, dated 30.09.2009, in W.P.M.P.No.27469 of 2009, passed by this Court, the respondents have released the seized stock along with the lorry subject to the petitioner furnishing personal bond for Rs.2,00,000/- with one surety to the satisfaction of respondent No.1. He further submitted that as the seized stock was being transported from Tamilnadu to the State of Maharashtra, seizing of the stock along with the lorry is illegal. In support of his submission, he has placed reliance on the common order, dated 19.12.2013, in W.P.No.6105 of 2009 and batch.

The learned Government Pleader for Civil Supplies (TS) submitted that as

stated in the counter-affidavit filed by the respondents, the claim of the petitioner that the seized stock was being transported from Tamilnadu to the State of Maharashtra is false and that as per the statement of the driver recorded under the Panchanama prepared at the time of seizure, on the instructions of his owner, the stock was loaded at Vijayawada. Inasmuch as there is a serious dispute on the aspect as to whether the seized stock was being transported from Tamilnadu to the State of Maharashtra or the same was loaded in Andhra Pradesh, the same needs to be adjudicated by respondent No.2 in the proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act').

Both the learned counsel are unable to state as to whether respondent No.2 has initiated proceedings under Section 6-A of the Act and whether they have been concluded or not. In either case, respondent No.2 is directed to initiate and/or conclude the proceedings under Section 6-A of the Act, if already initiated, within a period of three months from the date of receipt of a copy of this order. It is needless to observe that the release of the seized stock along with the lorry to the petitioner on the strength of the interim order of this Court shall be subject to the result of the proceedings under Section 6-A of the Act.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.V.M.P.No.3602 of 2009 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

30th September, 2015

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