

HONOURABLE SRI JUSTICE R. KANTHA RAO

W.P.No.7424 of 2015

ORDER

This writ petition is filed seeking to declare the action of the 2nd and 3rd respondents in not releasing the stocks of 4660 bags of paddy, 340 quintals of rice, 51 quintals of rice and 23 quintals of broken rice belonging to the petitioner after confiscating 5% of the variation portion of stock vide judgment dated 20.10.2014 in Crl.A.No.135 of 2014, as arbitrary and illegal.

The 3rd respondent inspected the rice mill premises of the petitioner on 22.04.2014, verified the records and found variations in the stock. A case under Section 6-A of the Essential Commodities Act, 1955, was registered against the petitioner and the same was disposed of on 8.7.2014 by the 2nd respondent confiscating 5% of the value of seized stock amounting to Rs.3,86,760/-. Feeling aggrieved, the petitioner preferred an appeal before the Principal Sessions Judge, Kurnool. The learned Sessions Judge, following the judgment of this Court in ***Kyasa Narayana vs State of Andhra Pradesh***, modified the order passed by the 2nd respondent by confiscating 5% of the value of the variation portion of stock instead of 5% of the seized stock. Thereafter, the petitioner made an application before the 2nd respondent along with copy of the judgment passed by the learned Principal Sessions Judge, Kurnool, but so far, no orders have been passed.

Learned counsel appearing for the petitioner submits that since the stocks were seized more than one year ago, the business of the petitioner came to a stand still resulting in huge loss to him.

Absolutely, there is no reason as to why the second respondent has not complied with the order passed by the learned Sessions Judge in the appeal.

In the aforesaid circumstances, the 2nd respondent is directed to implement the order passed by the learned Principal Sessions Judge, Kurnool, only in relation to 5% of the value of the variation portion of the stock and release the remaining stock, within a period of two weeks from the date of receipt of a copy

of this order.

Accordingly, the 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.

R. KANTHA RAO, J

23rd March, 2015

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Note: Issue CC by one week.