

THE HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.9461 of 2015

Date: 06.04.2015

Between:

Nukala Rammohan Krishna,
Kanuru Village, Penamaluru Mandal,
Krishna District.

..... PETITIONER

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Consumer Affairs, Food and Civil
Supplies Department,
Secretariat, Hyderabad and two others.

.....RESPONDENTS

The Court made the following:

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies for the State of Andhra Pradesh.

The petitioner is doing business in rice as a wholesaler and retailer. He

obtained license bearing No.659/VJA/2010, the same was renewed from time to time and it is valid upto 31.03.2016. It is stated that the Government of Andhra Pradesh removed restriction on rice and paddy by issuing G.O.Ms.No.20, Consumer Affairs, Food and Civil Supplies (CS-1) Department, dated 21.11.2014. But, the Government of India refused to extend the stock limits on rice and paddy.

The grievance of the petitioner is that the second respondent, without any power or authority, inspected his business premises, conducted panchanama and seized 338 bags i.e., 84.50 quintals of super fine rice and that based on the report of the second respondent, the third respondent passed the impugned order dated 02.03.2015 directing the Tahsildar, Penamaluru, to dispose off the seized stock by conducting public auction.

At the hearing, a copy of G.O.Ms.No.20, dated 21.11.2014 has been produced before this Court. In the said Government Order, it is stated that the Government of India has issued orders amending the Removal of (Licensing, Requirements, Stock limits and Movement Restrictions) on specified Foodstuffs Order, 2002 extending the validity period of stock limits and license requirements in respect of commodities Pulses, Edible Oils and Edible Oil Seeds for a further period of one year beyond 30.09.2014 and upto 30.09.2015. Further, it is brought to the notice of this Court that the proceedings initiated against the petitioner under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') are pending before the Joint Collector, Krishna.

In the circumstances, the Writ Petition is disposed of directing that the seized stock of the petitioner shall not be disposed off during the pendency of the proceedings under Section 6-A of the Act, before the Joint Collector, Krishna. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

R.KANTHA RAO,J

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