

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.39728 of 2015

ORDER :

Heard counsel for the petitioner and the Government Pleader for Civil Supplies appearing for respondents.

2. Petitioner has assailed the seizure of entire stock of rice and sugar in the petitioner's Fair Price Shop pursuant to a panchanama conducted on 05.10.2015 by the 3rd respondent.

3. *Prima facie* seizure of rice does not appear to be warranted because the variation in the stock of rice is within the permissible limits i.e., less than 1.5% prescribed in clause 24 of the A.P. State Public Distribution System (Control) Order, 2008 (for short 'Control Order'). Coming to the stock of sugar, the variation appears to be beyond 1.5% limitation as prescribed in the above clause.

4. In this view of the matter, respondents are directed to release the stock of rice seized from the petitioner's shop under panchanama dt.05.10.2015 to the petitioner without insisting on any condition; and to release the stock of sugar, seized under the above panchanama, to the petitioner subject to the petitioner furnishing a bank guarantee for its value to the satisfaction of the 2nd respondent and subject to the petitioner keeping the said bank guarantee alive during the pendency of the proceedings under Section 6A of the Essential Commodities Act, 1955 against the petitioner.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

15th December, 2015

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