

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.9249 OF 2015

ORDER:

The petitioner is running a Trading Rice Mill and carrying on business of processing paddy purchased from the farmers and supplying rice to the Government on levy and selling under valid permits issued by the competent authorities. While so, proceedings under Section 6-A of the Essential Commodities Act were taken up against the petitioner in respect of some irregularities noticed. The District Collector, Guntur, has passed an order dated 28.05.2012 confiscating 10% of the seized stock to the Government while releasing the remaining 90% of the seized stock to the petitioner. The petitioner preferred Criminal Appeal No.186 of 2012 before the District and Sessions Judge, Guntur, who, by order dated 13.08.2012, allowed the appeal in part confirming the order passed by the District Collector insofar as it relates to confiscation of 10% of the seized stock to the Government while setting aside the order of confiscation of 10% of paddy stock and broken rice stock to the Government. Now, the case of the petitioner is that as a result of the said order, an amount of Rs.2,85,125/- has to be refunded to him. Since no amount has been refunded till now, the present Writ Petition is filed.

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

Learned Government Pleader for Civil Supplies, on the basis of written instructions, submitted that the Civil Supplies Deputy Tahsildar, Nakarikallu, has collected the amount of Rs.3,21,125/- from the proprietor of the Rice Mill towards 10% of the value of the confiscated stock and remitted the same to the Civil supplies head of account.

The order in CrI.A.No.186 of 2012 dated 13.08.2012 directed confiscation of 10% of paddy and broken rice stocks to the Government and also directed the authorities to return 10% of paddy and broken rice stocks or its value to the proprietor of the rice mill within three months. But the Commissioner, vide his proceedings dated 02.02.2013, informed that steps have to be taken for filing a Criminal Revision Case or a Writ Petition before this Court. So far, neither Criminal Revision Case nor Writ Petition is filed. In the circumstances, the order dated

13.08.2012 passed in CrI.A.No.186 of 2012 by the learned District and Sessions Judge, Guntur, has become final.

In view of the same, the Writ Petition is allowed and the third respondent is directed to refund an amount of Rs.2,85,125/- to the petitioner, pursuant to the order dated 13.08.2012 in CrI.A.No.186 of 2012, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

12th October 2015

RRB