

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.222 OF 2015

ORDER:

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

This Writ Petition is filed to declare the order dated 03.01.2015 in ECAC.No.213 of 2014 in File No.F1/1881/2014 of the 2nd respondent directing the 4th respondent to sell the seized stocks namely, 1999.50 quintals of Grade A paddy, 1100 quintals of BPT paddy, 250 quintals of Grade A rice, 61.50 quintals of BPT rice, 46.50 quintals of Warangal Culture rice, 4 quintals of broken rice, as illegal and for a direction to the respondents not to sell them pending enquiry under Section 6-A of the Essential Commodities Act, 1955 (for short, 'the Act') before the 2nd respondent.

The petitioner is carrying on business in food grains i.e., milling paddy, selling rice and broken rice under a licence issued by the competent authority which is valid up to 31.03.2015. On 13.12.2014, the 3rd respondent visited the premises where the petitioner is doing business and seized the stocks of paddy rice etc., and initiated proceedings under Section 6-A of the Act. A show cause notice dated 03.01.2015 under Section 6-B of the Act has been issued asking the petitioner to submit explanation within eight days. A separate order dated 03.01.2015 was passed by the 2nd respondent directing the 4th respondent to sell the seized stocks by way of open auction. This is questioned in this writ petition.

Learned counsel for the petitioner submits that the enquiry under Section 6-A of the Act be directed to be completed expeditiously by the respondents and since the seized stocks are not perishable, the respondents be directed not to sell them pending 6-A proceedings.

Learned Government Pleader appearing for the respondents states that 6-A proceedings would be concluded expeditiously.

Having regard to the said submissions, this Writ Petition is disposed of directing the respondents to complete the proceedings under Section 6-A of the Act within a period of four months from the date of receipt of a copy of this order and pending disposal of the said proceedings, the respondents are directed not to sell the seized stocks; and the seizure of the stocks will abide by the result of 6-A proceedings. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.S. RAMACHANDRA RAO, J

13.01.2015
KH/nvl