

THE HON'BLE SRI JUSTICE A RAMALINGESWARA RAO

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WRIT PETITION No. 30995 OF 2015

ORDER

The Petitioner is a wholesale dealer in pulses. He is running the business under a licence issued by the authorities and it is valid up to 31.03.2016. While so, on 07.09.2015 the 3rd Respondent along with Civil Supply Officers inspected the business premises and seized the stock worth Rs.15,87,250/- on the ground that the Petitioner violated the clauses in the Andhra Pradesh Schedule Commodities Dealers (Licensing, Storage and Regulation) Order 2008. The Petitioner submitted a representation on 16.09.2015 to the 2nd Respondent to release the seized stock and no orders were passed thereon. The present writ petition is filed challenging the panchanama conducted on 07.09.2015.

The learned counsel for the Petitioner submits that the panchanama was drafted at around 5.00 P.M. and by that time he sold red gram and green gram daall to various persons and if those entries were taken into account, there would not be any variation in the quantities. This explanation is available to the Petitioner, he could as well have presented to the 2nd Respondent. There is no material to show that the 2nd Respondent would not consider the said explanation and take into account. The Petitioner did not file any explanation so far before the 2nd Respondent, but he sought only release of the seized stock.

In the circumstances, the present writ petition is not maintainable as it involves enquiry into the facts, which can be done only by the 2nd Respondent. The enquiry before the 2nd Respondent is pending.

Accordingly, the writ petition is dismissed. No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A RAMALINGESWARA RAO, J

Date:07.10.2015

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