

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7868 of 2012

Date:08.10.2015

Between:

K.S.C.Vara Prasad,

S/o Lakshumaiah

..... Petitioner

And:

The Joint Collector,

YSR Kadapa District and two others.

.....Respondents

Counsel for the Petitioner: Mr. V.Sudhakar Reddy

Counsel for the Respondents: GP for Civil Supplies (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.2 in seizing quintals 400.36 kgs of rice on 13.3.2012, from the custody of the petitioner kept, in the go-down at Ruparampet, Badvel, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to deliver back the seized stock to him.

On 16.6.2011, 42,025 kgs of rice was seized following an inspection of M/s Sri Sudarshan Traders, Badvel and was handed over to the petitioner, who is the Proprietor of a rice mill. It is not in dispute that though the physical stock was allowed to lie in the premises owned by M/s Sri Sudarshan Traders, the custody of the same was handed over to the petitioner. During the pendency of the proceedings under Section 6-A of the Essential Commodities

Act, 1955, (for short 'the Act'), the respondents have inspected the storage place and again seized 40,000 kgs of rice, which was part of the stock earlier seized and handed over to the petitioner. Apprehending that he will be ultimately responsible for the said stock, the petitioner has filed the present Writ Petition.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) submitted that a counter-affidavit is prepared and being filed today. However, the necessity of awaiting filing of the counter-affidavit is obviated having regard to the submission of the learned Government Pleader that after the seizure of 400 quintals of rice on 13.3.2012, a final order in the proceedings under Section 6-A of the Act was passed confiscating the entire seized stock of 400 quintals and that therefore, the petitioner, who was merely a custodian of the said stock for some time, is relieved of any further obligation.

In the light of this unequivocal stand of the respondents, as reflected from the submission of the learned Government Pleader, the grievance of the petitioner, if any, arising on account of the seizure of the stock on 13.3.2012, stood redressed.

Accordingly, the Writ Petition is disposed of as infructuous.

As a sequel to disposal of the Writ Petition, WPMP.No.9970 of 2012 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

08th October 2015

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