

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.40056 of 2015

ORDER :

The petitioner in this Writ Petition has questioned the order dt.30.11.2015 of 2nd respondent directing sale of certain commodities seized from the custody of petitioner, pending case under Section 6A of the Essential Commodities Act, 1955 (for short, 'the Act'), through public auction.

2. The petitioner contends that he is entitled to have the said stock released on payment of their market value to him and that the action of respondents in proposing to dispose them of through a public auction is not warranted.

3. The learned Government Pleader appearing for respondents also states that direction be given to the respondents to release the said stocks to petitioner on furnishing a bank guarantee for their value to 2nd respondent.

4. Having regard to the said submission, this Writ Petition is allowed and the impugned order, insofar as it directs sale through public auction of the stock seized from the petitioner pending disposal of the case under Section 6A of the Act against the petitioner, is set aside; and the said stocks are directed to be released to petitioner on condition of furnishing a bank guarantee for a sum of Rs.20,39,304/- to the satisfaction of 2nd respondent. 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

10th December, 2015
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