

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.40158 of 2015

ORDER :

Petitioner in this Writ Petition assails the action of the respondents in seizing the stock of rice as well as lorry on which the said rice was found and directing the 3rd respondent by order dt.24.11.2015 to sell the stock of rice.

2. Although petitioner's counsel contended that there is no prohibition for stocking of rice, a look at the show cause notice dt.24.11.2015 indicates that the rice seized from the petitioner's godown is suspected to be PDS rice and it is a matter for enquiry under Section 6A of Essential Commodities Act, 1955 (for short 'the Act').

3. However, the learned Government Pleader for Civil Supplies appearing for respondents states that if the petitioner is willing to give a bank guarantee for the value of the seized stock of rice as well as lorry as assessed by the 2nd respondent and keeping the said bank guarantee alive during the pendency of proceedings against him under Section 6A of the Act, the respondents have no objection for release of seized stock of rice as well as lorry to the petitioner.

4. In view of the said submission, the Writ Petition is disposed of directing the respondents to release the seized stock of rice as well as lorry to the petitioner subject to the petitioner furnishing a bank guarantee for their value as assessed by the 2nd respondent and subject to the petitioner keeping the said bank guarantee alive and not alienating or encumbering the said vehicle, during the pendency of proceedings under Section 6A of the Act. The respondents are further directed to complete the enquiry initiated against the petitioner under Section 6A of the Act within three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

15th December, 2015
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