

**HON'BLE SRI JUSTICE R. KANTHA RAO**

**W.P.No.3148 of 2015**

**ORDER:**

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 and 2.

This Writ Petition is filed seeking to declare the action of the 2<sup>nd</sup> respondent in not releasing the stock of 256 quintals of rice seized in favour of the petitioner, as illegal and arbitrary.

The petitioner is a proprietary concern. The petitioner is having a licence under Andhra Pradesh Scheduled Commodities Dealers' (Licensing, Storage and Regulation) Order, 2008 and the said licence is still subsisting. While so, the Vigilance Authorities inspected the business premises of the petitioner and certain stocks of rice and paddy were seized from the lorry stationed therein and also from the rice mill of the petitioner. Subsequently, proceedings under Section 6-A of the Essential Commodities were initiated against the petitioner. The petitioner filed an application before the 2<sup>nd</sup> respondent-Collector & District Magistrate, East Godavari District, Kakinada, seeking release of the seized commodities. The 2<sup>nd</sup> respondent *vide* order dated 9.2.2015 released 423.90 quintals of paddy,

which was seized from the rice mill of the petitioner, but refused to release 256.00 quintals of rice.

It is nowhere mentioned in the order that the rice which was sought to be released was PDS rice. In any way, the commodity is not alleged to be in custody of the petitioner and it is likely to be damaged. Therefore, this Court is of the view that the said rice also can be released to the custody of the petitioner.

Hence, the 2<sup>nd</sup> respondent is directed to release 256 quintals of rice, which was seized from the rice mill of the petitioner, on its furnishing bank guarantee for an amount of Rs.3,00,000/- (Three lakhs only).

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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JUSTICE R. KANTHA RAO

*18<sup>th</sup> February, 2015*  
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Note: Issue by two days.

