

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.40390 of 2015

ORDER :

The grievance of the petitioner in this Writ Petition is that the respondents have seized from his rice mill 8.65 quintals of common variety rice, 66.75 quintals of preferred variety rice, 2553.60 quintals of preferred variety paddy and that the said seizure itself is *prima facie* arbitrary, illegal and violative of Article 14 of the Constitution of India.

2. Petitioner contends that there is no limit on the stocking of paddy or rice by any individual pursuant to the proceeding issued by the Commissioner, Civil Supplies, Telangana State, vide CCS.Ref.No.P1(3)/490/2014, dt.11.02.2015 and therefore a direction be given to the respondents to release the stock seized from the petitioner's rice mill.

3. Although, the learned Government Pleader for Civil Supplies appearing for respondents sought to rely upon certain recitals in the panchanama prepared on 02.12.2015 in support of the seizure, he does not dispute the fact that there is no limit on the quantity of rice and paddy which can be stored, pursuant to the above proceedings issued by the Commissioner of Civil Supplies. He however contends that as regards 8.65 quintals of suspected PDS rice is concerned, the respondents were entitled to seize the same.

4. Having regard to the proceedings issued by the Commissioner of Civil Supplies dt.11.02.2015 *prima facie* the seizure of 66.75 quintals of preferred variety rice as well as 2553.60 quintals of paddy is unsustainable and it is declared as arbitrary, illegal and violative of Article 14 of the Constitution of India. As regards seizure of 8.65 quintals of suspected PDS rice is concerned, it is matter for enquiry under Section 6A of the Essential Commodities Ac, 1955 (for short 'the Act').

5. Accordingly, this Writ Petition is allowed directing the

respondents to forthwith release 66.75 quintals of preferred variety rice and 2553.60 quintals of preferred variety paddy to the petitioner without insisting the petitioner for furnishing any security therefor. As regards the stock of 8.65 quintals of suspected PDS rice is concerned, subject to the petitioner furnishing a bank guarantee for its value to the satisfaction of the 2nd respondent and keeping the said bank guarantee alive during the pendency of proceedings under Section 6A of the Act, the same shall be released to the petitioner. However, the 1st respondent shall pay costs of Rs.1,000/- to the petitioner within two (02) weeks from the date of receipt of a copy of this order for the unauthorized seizure of preferred variety rice and preferred variety paddy from the petitioner's rice mill and recover the same from the Officers, who affected the said seizure.

6. 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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