

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14491 of 2015

ORDER:

Heard both sides.

This writ petition is filed seeking a *Mandamus* to declare the action of the 4th respondent in seizing the stocks and lorry bearing No.AP 29 TA 5660, and the order, dated 04.05.2015, passed by the 2nd respondent directing the 3rd respondent to sell the seized stocks, as illegal and arbitrary.

A show cause notice was issued on 04.05.2015, under Section 6-B of the Essential Commodities Act, 1955 (for short 'the Act') calling upon the petitioners to explain as to why the seized stocks should not be confiscated under Section 6-A of the Act, within seven days from the date of receipt of the same. On the same day, the impugned order was passed confiscating the seized stocks. The issuance of show cause notice is not an empty formality.

Hence, the writ petition is allowed and the impugned order is set aside. The petitioners are given liberty to submit their explanation to the show cause notice dated 04.05.2015, within one week from the date of receipt of a copy of this order. The authority concerned shall take appropriate decision within a period of two weeks thereafter. Till such decision is taken, the seized stocks shall not be sold. There shall be no order as to costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

K.C.BHANU,J

Dt:14.05.2015

kdl/gj

