

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 34965 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The petitioner is said to be a business person dealing in Edible oil and Vanaspathy under a licence issued by the District Supply Officer, Anantapuram, which was valid up to 30.09.2015. While so, the Vigilance Officials and the 3rd respondent inspected the premises of the petitioner on 28.09.2015 and found no variation in the stock. But on the same day, they inspected the business premises of her husband which is situated at a different place at Shop No.101 of Municipal Vegetable Market, Guntakal Town and Mandal, and noticed some variation in the stock. While seizing the stock from the business premises of the petitioner's husband, they came to the business premises of the petitioner once again and seized the stock lying in Shop No.15/311 of the same town. When proceedings are taken against the husband of the petitioner under Section 6-A of the Essential Commodities Act, the petitioner filed an objection-cum-release petition on 01.10.2015 and also filed some documents on 03.10.2015. When the 2nd respondent passed an interim disposal order on 10.10.2015 directing the husband of the petitioner to furnish bank guarantee for the value of the entire stock seized, the present writ petition is filed.

3. A perusal of the interim disposal order dated 10.10.2015 reveals that the 2nd respondent considered the objection-cum-release petition filed by the petitioner and observed as follows:

"In the reference 3rd read above, Smt. B. Navyasree, W/o B. Ramgopal, Prop: of Sadguru Sai Traders, Guntakal has filed

objection-cum-release petition through her counsel Sri P.G. Vittal stating that the inspecting officials have inspected her shop on 28.09.2015 and verified the edible oil license, stock and sales register and cross checked the same with purchase and sales bills and found no variations and contraventions as per records. Thereafter, the complainants have inspected business premises of her husband Sri R. Ramgopal located in Shop No.101 of Vegetable Market, Guntakal, and seized stocks available in the business premises and also seized stocks available in her shop located at D.No.15/311, Roshan Street, Guntakal without conducting any panchnama for no violation of law, effecting seizure of stocks of her and including the stocks of her husband B. Ramgopal, is illegal. Finally, the counsel has requested to discard the licence number held by Smt. Navyasree which was wrongfully mentioned in the panchnama conducted effecting the seizure of the stocks available in Ramgopal Oil Agencies. Further release the stocks which have been seized by the inspecting officials attributing the same to that of the stocks present in Ramgopal Oil Agencies by dropping further action in favour of the petitioner, in the interest of justice."

4. A perusal of the above observation does not indicate that the material furnished by the petitioner was taken into consideration, and no finding was recorded on the material furnished by her. When it is the case of the petitioner that the stock was seized from her business premises which is located at a different place than that of her husband, the 2nd respondent should have recorded a finding with regard to the seizure of the stock by verifying the material furnished by the petitioner separately and passed an order. In the absence of such an order, this Court is satisfied that the order passed by the 2nd respondent on 10.10.2015 requires re-consideration, in the light of the material furnished by the petitioner and also the objection-cum-release petition filed on 01.10.2015.

5. In the circumstances, the matter is remanded to the 2nd respondent for passing a separate order in respect of the objection-cum-release petition filed by the petitioner along with the material

furnished by her, within a period of one (1) week from the date of receipt of a copy of the order, after hearing the petitioner. However, this shall not be construed as an interference with the proceedings that are pending against the husband of the petitioner, which may go on, irrespective of the consideration of the objection-cum-release petition filed by the petitioner.

6. The Writ Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

27th October, 2015

Note: Furnish C.C. in three days.

(b/o) cbs

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION No. 34965 of 2015

27th October, 2015

cbs