

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 33518 of 2015

DATED 12th OCTOBER, 2015

BETWEEN

Potti Subba Rao

...Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Consumer Affairs, Food and Civil Supplies,

AP Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 33518 of 2015.

ORDER:

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

The petitioner is the Managing Partner of Gajalakshmi Flour Dall and Flour Mill. The licence issued by the District Supply Officer to the petitioner to carry on business in pulses was valid up to 30.09.2015. It appears that on 17.08.2015 the third respondent along with the Vigilance Enforcement Officials inspected the business premises of the petitioner and found variation in the stock. On the ground that the petitioner has contravened the provisions of the A.P. Scheduled Commodities Dealers (Licensing Storage & Regulation) Order, 2008, 6-A proceedings were initiated and the same are pending before the second respondent. While so, the petitioner submitted a petition on 24.08.2015 seeking to release the seized stock on furnishing bank guarantee and without considering the same, the second respondent passed an interim order on 21.09.2015 for sale of the seized stock by conducting public auction holding that the seized stock is perished in nature. Challenging the same, the present Writ Petition is filed.

The seized stock is 1506 Quintals of Red Gram Dall, 226 Quintals of Bengal Gram Dall and 45 Quintals of Moong Dall, total worth of Rs.2,01,49,000/-. It is not known as to how the seized stock is perishable in nature. Since the petitioner has already submitted his application on 24.08.2015 seeking release of the seized stock, the second respondent is directed to consider the same and pass appropriate orders within a period of fifteen days from the date of receipt of a copy of this order. In view of the present order, interim order dated 21.09.2015 passed by the second respondent is set aside, if not already implemented.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 12th October, 2015.

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