

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No. 14775 OF 2015**

**DATED 5<sup>TH</sup> JUNE, 2015**

BETWEEN

Channa Ramalingeswara Rao

...Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Consumer Affairs, Food and Civil Supplies,

Secretariat, Hyderabad and anr

...Respondents.

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No. 14775 of 2015**

**ORDER:**

-

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

The petitioner is a licensee of composite food grains and carrying on business under the name and style of M/s. Sri Venkata Lakshmi Dal Merchants, at shop No.357, Gollapudi, Vijayawada. While so, on 2.7.2014 the third respondent inspected the shop of the petitioner and seized some stock of Red Gram Dal, Raw Bengal Gram Dal, Green Gram Dal and Black Gram Dal. The petitioner submitted his explanation. Even after submission of explanation, when the seized stock was not released, the petitioner filed a petition on 4/5.7.2015 seeking release of the seized stock. In the meanwhile, the second respondent issued interim order on 01.09.2014 and directed the fourth respondent to dispose of the seized stock by conducting public auction. Thereafter, the second respondent issued a Memo on 19.11.2014 directing the petitioner to furnish a bank guarantee for 50% of the value of the seized stock, i.e. Rs.4,18,650/- to release the seized stock. When the petitioner expressed his inability to furnish bank guarantee as sought for, the second respondent by further order dated 7.5.2015 directed the Assistant Grain Purchasing Officer, Machilipatnam to hand over the seized stock to the Assistant Grain Purchasing Officer, Vijayawada for sale in public auction. Challenging the same, the present Writ Petition is filed.

This Court initially by order dated 28.5.2015 directed the learned Government Pleader to get instructions as to whether seized stocks are disposed of as per the impugned order dated 7.5.2015 and adjourned the matter to 3.6.2015. To day, the learned Government Pleader placed before this Court the written instructions wherein it is stated that the seized stocks are not sold in public auction pursuant to the order dated 7.5.2015. The learned Counsel for the petitioner submits that the petitioner is ready and willing to furnish bank guarantee as ordered by the second respondent on 19.11.2014.

In the circumstances, the petitioner is directed to furnish bank guarantee as ordered by the second respondent on 19.11.2014 within a period of one week from the date of receipt of a copy of this order and on compliance of which, the seized stocks shall be released to the petitioner.

The Writ Petition is allowed. 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 5<sup>th</sup> June, 2015.

Msnr<sub>x</sub>