

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.37078 of 2015

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Between:

M/s. Ambika Traders,

Rep. by its Partner Mitesh H. Salod

PETITIONER

AND

1. State of A.P., rep. by its Principal Secretary, Civil Supplies, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed for the following relief –

“...to issue a writ order or direction more particularly one in the nature of writ of mandamus setting aside the order of seizure covered by Panchanama dated 22-09-2015 as arbitrary and illegal and violation of fundamental rights and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

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

The case of the petitioner is that pursuant to F.I.R lodged by the Deputy Tahsildar (Civil Supplies), Kurnool-4th respondent herein, a raid was conducted on the business premises of the petitioner and seized the stock of edible oil under panchanama dated 22.09.2015 on the ground that the stock is adulterated. The petitioner filed a petition under Section 6-A of the Act before the District Collector-2nd respondent herein on 3.10.2015 seeking release of seized stocks.

As per the material placed on record, the report of the Assistant Food Controller & Zonal Designated Officer, Zone IV, Kadapa, dated 19.10.2015 reveals that the edible oil samples are confirmed to the standards. In as much as the goods seized are perishable and would deteriorate in quality, pending passing of final orders on the petition filed by the petitioner under Section 6-A of the Essential Commodities Act, 1955, the seized goods shall be forth with released to the petitioner subject to the petitioner furnishing bank guarantee equivalent to the estimated cost of the seized goods. However, it is made clear that furnishing of bank guarantee shall be subject to the further orders that may be passed on the petition filed by the petitioner under Section 6-A of the Act.

With the above direction, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No order as to costs.

CHALLA KODANDA RAM, J.

16th November, 2015

Js.