

IN THE HIGH COURT OF JUDICATURE: AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.25329 of 2015

BETWEEN:

M/s. G. Nookaiah Chetty
(HPCL Kerosene Wholesale Dealer)
26-3-2, 75 Feet Road, Visakhapatnam-1,
Rep.by its Managing Partner,
GVS Kameswara Rao.

.. Petitioner

AND

The State of A.P., rep.by,
its Principal Secretary,
Civil Supplies Department,
Hyderabad,
and 3 others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.25329 of 2015

ORDER:

The writ petition is filed declaring the action of the respondents in not allotting and releasing the superior kerosene oil to the petitioner from the month of August, 2015 though his dealership is in force and not releasing the seized kerosene and the oil tanker bearing No.ATV-5909, as being illegal, arbitrary and unreasonable.

Heard Sri A. Giridhar Rao, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents 1 to 3 and Sri Thoom Srinivas, learned standing counsel for the fourth respondent-Hindustan Petroleum Corporation Limited (HPCL).

The petitioner is HPCL kerosene wholesale dealer. On the instructions of the third respondent-District Supply Officer, Visakhapatnam, the Assistant Supply Officer, Circle-I, Visakhapatnam, and the Senior Inspector of Weights and Measures Department, Visakhapatnam, conducted inspection on 04.08.2015 in the business premises of the petitioner and found some variation in the stock and seized 19,641 liters of kerosene and also a tanker bearing No.ATV-5909 after drafting mediators report.

It is stated in the affidavit that before seizure of the stock, the Chief Regional Manager (Retail), HPCL has issued instructions to the third respondent that on their

inspection, they found some marginal variations in the stocks maintained by the petitioner. On 29.07.2015 the petitioner submitted a representation to the third respondent that there is no variation and requested to conduct inspection. On the instructions of the third respondent, the Assistant Supply Officer conducted inspection and submitted a report dated 29.07.2015. The said report shows that there is variation of 553 liters of kerosene and basing on the said report, the stocks were seized. When the seized stock and tanker were not released, the present writ petition is filed.

The learned counsel for the petitioner submits that the variation in the stock is within the permissible limits as stipulated in the instructions issued from time to time by the Government.

He further submits that the petitioner is ready to face the enquiry, if any, to be conducted by the authorities concerned and he is also ready to furnish the bank guarantee to the value of the seized stock and tanker pending enquiry, if any.

In the facts and circumstances of the case, the second respondent-District Collector (Civil Supplies), Visakhapatnam, is directed to release the seized kerosene and the oil tanker bearing No.ATV-5909 to the petitioner on his furnishing bank guarantee to the satisfaction of the second respondent, within two weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 12.08.2015

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