

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19148 OF 2016

ORDER:-

This Writ Petition is filed questioning the action of the respondent No.4-Deputy Tahsildar (CS), Bhimdeverpalli (M) in seizing 452.55 quintals of rice from the petitioner's mill under the cover of panchanama, dated 25.04.2016.

The case of the petitioner is that the petitioner is a miller dealing with the business of purchase, mill and sale of paddy and rice from the last several years. On 25.04.2016 the respondent No.4-Deputy Tahsildar, Bhimdeverpalli (M) and other officers came to the petitioner's mill and seized 452.55 quintals of rice worth of Rs.7,24,080/- under the cover of panchanama stating that on 25.04.2016 at 4.30 a.m., PDS rice was transported to the petitioner's rice mill in lorry bearing No.AP 15 X 6057 and the same was caught hold by the vigilance officials and registered a case under Section 6-A of the Essential Commodities Act. It is further case of the petitioner that *prima facie* there is no material to show that the alleged rice was PDS rice and further submits that as per the instructions of the Commissioner (Civil Supplies) dated 11.02.2015 and as per the order dated 29.11.2013 issued by the Central Government there is no restriction of stock limits and licensing requirements with regard to the storage of paddy and rice. Therefore, the petitioner approached the respondent No.2 and filed a petition on 18.05.2016 under Section 6-A(2) of the Act, with a request to release the seized stock of rice and for expeditious disposal of the 6-A case, but the respondent authorities without releasing the said seized stock, they proposed to sell away the seized rice without issuing any notice to the petitioner and without passing any orders upon the petition dated 18.05.2016. Hence, the writ petition.

Heard Sri K. Venumadhav, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (TS).

Inasmuch as the petitioner has already filed a petition dated 18.05.2016 before the 2nd respondent-Collector, under Sec.6-A(2) of the Act, the petitioner is at liberty to move the same authority for release of the goods. Considering the fact that the seized commodity is rice, the 2nd respondent shall pass orders within 10 days from the date of receipt of this order. Till such time the orders are passed by the Collector, the seized stock of rice shall not be sold in the public auction. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in this writ petition shall also stand closed.

JUSTICE CHALLA KODANDA RAM

Date:16.06.2016.

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