

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8694 of 2016

ORDER:-

This writ petition, under Article 226 of the Constitution of India, is filed seeking a writ of mandamus declaring the action of 3rd respondent in conducting seizure panchnama dated 21.01.2016 in petitioner's rice mill, as illegal and arbitrary.

The petitioner is doing business in rice under the name and style "M/s. Sri Laxmi Narasimha Swamy Rice Mill" in Thipparthi Village and Mandal, Nalgonda District. While so, on 21.01.2016, the 3rd respondent along with the Central Zone Task Force, Hyderabad, visited the rice mill and found that the petitioner stored PDS rice illegally in contravention of Clause 17-A of the A. P. State Public Distribution Control Order, 2008 (for short 'the Control Order'), seized 677 bags of rice of weighing 50 kgs. each, under cover of panchanama dated 21.01.2016, registered a case under Section 6-A of the Essential Commodities Act, 1955, and submitted a report before the 2nd respondent. Basing on the report of the 3rd respondent, the 2nd respondent issued notice dated 08.02.2016 calling upon the petitioner to show cause as

to why the seized stock should not be confiscated in favour of the Government. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that the seized rice is of IR 64 variety, whereas the PDS rice is of Surekha, Phalguna, Machulu and BPT varieties. He further contends that Clause 17-A of the Control Order is not applicable to rice millers, as the petitioner is neither a dealer under the Control Order nor M.L.S.Dealer.

Having considered the submissions made by learned counsel for the petitioner and learned Government Pleader for Civil Supplies and the fact that the petitioner has already filed his objections and written explanation to the notice dated 08.02.2016 issued by the 2nd respondent, interest of justice would be served, if a direction is issued to the 2nd respondent to pass appropriate orders after duly considering the written explanation and objections raised by the petitioner to the show cause notice.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to pass appropriate orders after specifically considering the written explanation and objections raised by the petitioner to the show cause

notice, within two (2) weeks from the date of receipt of a copy of this order. Till such time, there shall be stay of all further proceedings including confiscation and sale of seized rice. It is needless to observe that the 2nd respondent may keep in mind the specific allegations made by the petitioner in the objections and deal with the same, as the issue raised by the petitioner in the writ petition with regard to their jurisdiction goes to the root of the matter.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

17th March, 2016

Note: Furnish C.C. in three days.

(b/o)

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