

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.30024 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of the 2nd respondent in not releasing seized stock in favour of the petitioner as illegal and arbitrary.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies, representing respondents 1 to 3.

3. The petitioner is a proprietor of M/s Varalaxmi Para Boiled Rice Mill, Kadthal village, Amangal Mandal, Mahabubnagar District. It is the case of the petitioner that he has been carrying on rice mill business without contravention of the provisions of the Essential Commodities Act, 1955 (for short 'the Act'). While so, the 3rd respondent along with vigilance officials visited the rice mill premises of the petitioner on 22-07-2015 and found variation in the stock. On the same day, the Civil Supply Officials seized paddy, rice and broken rice total worth of Rs.1,93,47,930/-. Thereafter, the 2nd respondent initiated proceedings under Section 6-A of the Act (Case No.629 of 2015). After affording reasonable opportunity to the petitioner, the 2nd respondent passed an order on 30-01-2016 and confiscated 15% of the stock seized from the petitioner's mill.

4. Aggrieved by the said order of the 2nd respondent, the petitioner filed CrI.A.No.32 of 2016 on the file of the Principal Sessions Judge, Mahabubnagar. The learned Sessions Judge allowed the appeal on 24-01-2016 with the following observations:

“In the result, the appeal is partly allowed and the order of the District Collector, dated 30-01-2016 in file No.CS6/629/2015 is modified and it is ordered for

confiscation of 15% of the value of the variation instead of 15% of the value of the seized stock and the appellant is directed to remit Rs.4,37,440/- which is 15% of the value of variation of the seized stock to Government through challan into Head of Account: 1456-Civil Supplies, 800-Other receipts, 81-Other items, and produce the challan before the District Collector. On production of the challan, the District Collector is directed to release the bank guarantee furnished by the appellant in pursuance of the orders dated 16-03-2016 in Crl.M.P.No.232 of 2016 passed by this Court.”

5. The case of the petitioner is that he paid Rs.4,37,440/- as per the orders of the Principal Sessions Judge, Mahabubnagar, in Crl.A.No.32 of 2016.

6. The grievance of the petitioner is that the 2nd respondent has not so far released the stock. The petitioner submitted a representation to the 2nd respondent on 17-09-2016.

7. At the time of arguments, the only relief sought for by the learned counsel for petitioner is to direct the 2nd respondent to dispose of the representation of the petitioner, dated 17-09-2016 as early as possible. Learned Government Pleader for Civil Supplies also consented for the same.

8. Having regard to the facts and circumstances of the case and also submissions made by both counsel, the 2nd respondent is directed to dispose of the representation of the petitioner, dated 17-09-2016 in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending, in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 23-09-2016.

Hsd