

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.34092 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondents in seizing the stocks of the petitioner on 08.09.2016 and initiating proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short, 'the Act'), as illegal and arbitrary.

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

3. A perusal of the record reveals that the petitioner- Sri Lakshmi Rice Mill, Epurupalem Village, Chirala Mandal, Prakasam District, is represented by its Proprietor, Chekka Adi Surya Prakasa Rao. It is the case of the Proprietor of the petitioner-Mill that he has been carrying on rice mill business since long time without any complaint whatsoever. While so, on 07/08.09.2016 the Vigilance and Enforcement Officials visited the premises of the petitioner-Mill and seized 446.70 quintals of PDS rice, 210 quintals of Paddy and 60 quintals of broken rice under a cover of Panchanama. The second respondent initiated proceedings against the petitioner under Section 6-A of the Act. The petitioner filed an application before the second respondent with a request to release the stocks.

4. The learned counsel for the petitioner submitted that the petitioner will not press the interim application filed by it before the second respondent for release of the stocks. He further

submitted that the petitioner has not contravened the provisions of the Essential Commodities Act or the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (for short, 'the Control Order').

5. The learned Assistant Government Pleader submitted that the petitioner has contravened the provisions of the Control Order.

6. Whether the petitioner has contravened the provisions of the Essential Commodities Act and Control Order or not is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India. In view of pendency of the proceedings under Section 6-A of the Act before the second respondent, this Court is not inclined to express any opinion touching the merits of the main case.

7. At the time of arguments, the only relief sought by the learned counsel for the petitioner is to direct the second respondent to dispose of the proceedings under Section 6-A of the Act against the petitioner as expeditiously as possible. He further requested to direct the second respondent not to sell the seized stocks till disposal of the proceedings under Section 6-A of the Act.

8. The learned Assistant Government Pleader also consented to the extent of disposal of the proceedings under Section 6-A of the Act by the second respondent.

9. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both the parties, the second respondent is hereby directed to dispose of the proceedings under Section 6-A of the Act pending against the

petitioner, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of a copy of this order. The second respondent is further directed not to sell the seized stocks till disposal of the proceedings under Section 6-A of the Act.

10. With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 30.09.2016
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