

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29628 of 2016

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the proceedings of the second respondent vide S.R.No.10/ 2016, S5, dated 01.04.2016 and consequential proceedings No.82/ 2016/ SA, dated 01.08.2016 of the third respondent as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Andhra Pradesh) representing the respondents 1 to 3.

3. A perusal of the record reveals that the petitioner has been carrying on rice mill business in Vikrampuram Village, Veeraghattam Mandal, Srikakulam District. On 04.03.2016, the third respondent visited the premises of the petitioner's mill and seized 7 quintals of PDS rice and 188 quintals of paddy. It is the case of the petitioner that the paddy (188 quintals) seized by the second respondent is CMR paddy. It is the case of the respondents that the petitioner stocked 188 quintals of paddy without proper authority. The gist of the allegations made against the petitioner is that the petitioner failed to account for 188 quintals of paddy.

4. The second respondent initiated the proceedings under Section 6-A of the Essential Commodities Act, 1955 against the petitioner. The petitioner submitted his explanation to the second

respondent. The petitioner also filed a petition (M.P.SR.No.10 of 2016) on 11.03.2016 before the second respondent seeking to release the stock in question. While so, the third respondent issued auction notices dated 01.08.2016 and 17.08.2016.

5. At the time of arguments, the only relief sought by the petitioner is that the second respondent may be directed to dispose of his petition dated 11.03.2016 for release of stock. Learned Assistant Government Pleader on instructions submitted that the third respondent postponed the auction in pursuance of the notice dated 17.08.2016. He further submitted that pending 6-A proceedings, the respondents are entitled to sell the seized stock in the public auction.

6. A perusal of the record reveals that pending disposal of the petition filed by the petitioner for release of the seized stock, the third respondent issued the auction notices. For one reason or the other, the second respondent has not passed any orders on the petition filed by the petitioner for release of the seized stock. If the third respondent is allowed to conduct auction without disposing of the petition filed by the petitioner, the same may cause prejudice to the petitioner.

7. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to dispose of the petition filed by the petitioner on 11.03.2016 as expeditiously as possible, preferably within a period of four weeks from today. Meanwhile, respondents 2 and 3 are directed not to sell the seized stock.

8. Accordingly, this 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

September 6, 2016.
Pns

