

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7174 of 2016

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Between:

M/s. Srimannarayana Food Products

Rep. by its Proprietor

B. Venugopal Kishan

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary to the Consumer Affairs, Food and Civil Supplies, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

In this writ petition the petitioner challenges the action of the 4th respondent in seizing 212.27 quintals of rice from the petitioner-rice mill by conducting panchanama dated 22.02.2016.

The petitioner is a rice mill and it is in the business of purchase, mill and sale of paddy and rice. On 22.02.2016, the 4th respondent seized 212.27 qtls of rice from the petitioner by conducting panchanama alleging that one Anil purchased PDS rice

from the villagers of Nagnur cardholders and filled in 14 bags, and while selling the same in the petitioner's rice mill, the officials caught hold of it. On enquiry into same they found that there is a variation of stocks in the rice mill when compared with the stocks as per the registers. The grievance of the petitioner is that though there is no prohibition with regard to storage and selling of rice as per the A.P. Schedule Commodities (Licensing, Storage and Regulation) Order, 2008, the 4th respondent seized the stock from the petitioner. The petitioner filed a petition on 26.02.2016 before the 2nd respondent requesting to release the said stock, but no orders are passed so far, on the other hand the respondents are proposing to sell away the stock in open auction. Challenging the same the present writ petition is filed.

Counsel for the petitioner contended that the seized stock of rice is PDS rice, is not correct; that the petitioner is eager to cooperate for the expeditious disposal of the case filed under Section 6A of the Essential Commodities Act, 1955 (for short 'the Act') against him; that the petitioner filed an application on 26.02.2016 before the 2nd respondent for release of the seized stock but the 2nd respondent is not releasing the same; and that the petitioner is willing to furnish a bank guarantee for the value of the stock seized and subject to the said condition, the stock may be released to the petitioner.

Learned Government Pleader appearing for respondents did not oppose for release of stock to the petitioner on furnishing bank guarantee for the same.

In that view of the matter, the Writ Petition is disposed of directing the petitioner to furnish a bank guarantee for the value of the seized stock to the 2nd respondent and also to keep the said bank guarantee alive during the pendency of proceedings under Section 6A of the Act. As and when the petitioner furnishes bank guarantee the 2nd respondent shall release the seized stock to the petitioner. The 2nd respondent shall also complete the proceedings under Section 6A of the Act against the petitioner within three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J.

4th March, 2016

Js.