

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33178 of 2016

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent in not releasing the seized stocks as illegal and arbitrary.

2. Heard Sri V.V.N.Narayana Rao, the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies(Andhra Pradesh) representing the respondents 1 to 3.

3. Petitioner is the owner of M/s.Tirumala Nagendra Rice Mill, Sontyam, Andapuram Mandal, Visakhapatnam District. The petitioner was granted licence under the Andhra Pradesh Schedule Commodities Dealers (Licensing, Storage and Regulation) Order 2008 for purchase, sell or store for sale the paddy, rice and its bye products. It is the case of the petitioner that he has been carrying on business without violating the provisions of the Essential Commodities Act(for short 'the Act') and the A.P.Schedule Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. While so, on 15.09.2016 the third respondent along with civil supplies officials visited the rice mill of the petitioner and seized 175 quintals of rice, 88 quintals of paddy and 2380 kgs of PDS rice. A perusal of the record reveals that the second respondent initiated proceedings against the petitioner under Section 6-A of the Act. The petitioner herein filed an application

before the second respondent with a request to release the seized stock.

4. The contention of the learned counsel for the petitioner is that the petitioner has not contravened the provisions of the Act or the control orders. Learned Assistant Government Pleader submitted that the petitioner contravened the provisions of the Act. This Court is not inclined to go into the merits of the main case in view of pendency of 6-A proceedings before the second respondent. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

5. At the time of arguments, the only relief sought by the petitioner is that the second respondent may be directed to dispose of the application dated 18.09.2016. The learned Assistant Government Pleader also consented for the same.

6. Having regard to the facts and circumstances of the case and also in view of the submissions made by both the counsel, this Writ Petition is disposed of directing the second respondent to dispose of the application filed by the petitioner on 18.09.2016 as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. No order as to costs. As a sequel, the miscellaneous petitions, pending if any in this writ petition, shall stand closed.

T. SUNIL CHOWDARY, J

September 28, 2016.
Rns

