

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

W.P.No.1176 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. Petitioner's grievance is that the respondents have seized the stocks of rice and paddy from it and have also seized its' rice mill arbitrarily. Petitioner seeks a direction to the respondents to release the stock of rice and paddy and permit the petitioner to run the mill.

3. The learned Government Pleader appearing for the respondents has placed before me a show cause notice dt.13-01-2016 issued under Section 6-A of the Essential Commodities Act, 1955 (for brevity 'the Act') wherein it is alleged that there has been contravention by petitioner of certain conditions of Form-B licence and also AP State Public Distribution System (Control) Order, 2008.

4. However, the learned Government Pleader appearing for the respondents has not been able to state under what power the respondents have seized the rice mill preventing the petitioner to mill paddy in the rice mill.

5. Learned counsel for the petitioner states that the petitioner will offer bank guarantee for the value of the

stock of rice seized from the rice mill to the satisfaction of 2nd respondent and that subject to the same, the respondents be directed to release the same to the petitioner.

6. This course of action is not opposed by the learned Government Pleader.

7. In this view of the matter, the Writ Petition is disposed of directing the respondents to release the stock of rice as well as paddy seized from the rice mill to the petitioner subject to the petitioner furnishing a bank guarantee for the value of the rice seized from the petitioner to the satisfaction of 2nd respondent and subject to the petitioner keeping the said bank guarantee alive during the pendency of the proceedings under Section 6-A of the Act. The said proceedings under Section 6-A of the Act shall be completed within a period of three months from the date of receipt of a copy of this order. In the meantime, the respondents shall permit the petitioner to operate the rice mill and mill paddy therein without any interference. No costs.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-01-2016

Note:-

Issue C.C. in two days.

B/o.
kvr