

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5254 of 2016

DATED 19TH FEBRUARY, 2016

BETWEEN

Vangaveeti Narasimha Rao

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies,
A.P. Secretariat, Hyderabad and anr.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5254 of 2016.

ORDER:

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Challenging the order dated 27.8.2015 passed in Crl.M.P.No.835 of 20156 in Criminal Appeal No.115 of 2015 by the learned Principal Sessions Judge, Nalgonda, the present Writ Petition is filed.

The petitioner is carrying on business in Food Grains under the name and style of M/s.Ganesh Trading company. The Assistant Grain Purchasing Officer, Kodad inspected the business premises of the petitioner and seized the stocks. On the report submitted by him, the second respondent issued show cause notice, to which, the petitioner submitted his explanation. Dissatisfied with the same, the second respondent

passed order dated 27.7.2015 confiscating the entire seized stocks worth of Rs.16,23,350/- on the allegation of violation of Section 17-A of the APSPDS Control Order, 2008. Aggrieved by the same, the petitioner preferred appeal being Criminal Appeal No. 115 of 2015 before the learned Principal Sessions Judge, Nalgonda, Along with the said appeal, he also filed Crl.M.P.No.835 of 2015 seeking suspension of the orders of the second respondent dated 27.7.2015. The learned Principal Sessions Judge passed order dated 27.8.2015 in Crl.M.P.No.835 of 2015 in Crl.A.No.115 of 2015 directing the petitioner to furnish bank guarantee for the value of the entire confiscated stock. Aggrieved by the same, the present Writ Petition is filed.

A bare perusal of the impugned order reveal that there are serious allegations levelled against the petitioner. The learned Sessions Judge, through impugned order, while staying the operation of the order dated 27.7.2015 of the second respondent, ordered for release of the confiscated stock on condition of the petitioner furnishing bank guarantee for the value of the entire confiscated stock. Having heard the learned Counsel on either side and gone through the material on record, I do not see any valid and tenable reason to interfere with the order of the Court below inasmuch as the Court below has taken a reasonable view and if the petitioner is desirous to have the confiscated stock, necessarily he has to furnish the security as directed by the Court below. Inasmuch as the order of the original authority which is under appeal ordering confiscation of the seized goods is stayed and if the petitioner desires the said property, he is required to furnish security. In that view of the

matter, there is no illegality warranting interference with the order of the Court below in exercise of powers under Article 226 of the Constitution. However, considering the fact that the seized goods have been directed to be confiscated and the petitioner is directed to furnish bank guarantee, the learned District Judge subject to constraints may expedite hearing of the appeal and pass appropriate orders.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 19TH February, 2016.
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