

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 568 of 2009

Date: 10.06.2016

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Between:

A. Kamaraju

... Appellant

And

Mandal Revenue Officer,
Rajam, Rajam Mandal,
Srikakulam District & another.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APEPAL No. 568 of 2009

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against the order, dated 28.08.2008, passed in W.P.No.15539 of 2005, whereby the appellant's writ petition has been partly allowed and disposed of.

In the writ petition, the appellant had prayed for mandamus declaring action of respondents in not releasing 220 quintals of rice as illegal and in the alternative sought direction to the respondents to pay Rs.2,15,866/- being the cost thereof with interest. Learned Judge, after considering the pleadings of the parties, partly allowed the writ petition making the following observations in the concluding paragraph:

“For the above mentioned reasons, the writ petition is disposed of with the direction to the respondents to forthwith pay the sum of Rs.1,12,650/- to the petitioner. Since the fact that the respondents were prepared to pay the above said sum of Rs.1.12,650/- is not disputed by the petitioner, in my considered view, the respondents are not liable to pay interest. However, if the amount was kept in fixed deposit, the interest derived thereon shall be paid to the petitioner.”

The amount reflected in the concluding paragraph is arrived at in terms of provisions of Section 6A (2) and (3) of the Essential Commodities Act, 1955 (for short, “the Act”). There is absolutely nothing on record or in other words it is not the case of

appellant that the rice was sold for higher price. We do not find any reason to consider the appellant's request to pay him Rs.2,15,866/-. Appellant has raised disputed questions of fact, which cannot be gone into in writ petition under Article 226 of the Constitution of India. In any case, the amount determined by learned Judge is based on the aforementioned provisions of the Act and hence, we do not find any reason to interfere with the same.

Writ appeal is accordingly dismissed.

Miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 10.06.2016

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