

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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WRIT PETITION No.16443 OF 2016
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ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking issuance of Writ of *Mandamus* declaring the impugned order vide E.C.P.No.46 of 2016, dated 05.05.2016 passed by the 2nd respondent rejecting the claim petitions of the petitioners by holding that they did not produce the LEC cards and refusing to release the seized stock even after undertaking to furnish sufficient Bank guarantee, as illegal and arbitrary and consequently, direct the respondents to release the seized stocks i.e., 145.50 Quintals of Black Gram Dal and 72.00 quintals of Green Gram Dal in favour of the petitioners forthwith.

2. Learned counsel for the petitioners contends that the seized stocks are perishable in nature and the petitioners are ready to furnish third party security for the value of the stocks.

3. The learned Government Pleader for Civil Supplies, appearing for respondents, states that stocks seized from the petitioners are not perishable.

4. Having regard to the said submissions, this Writ Petition is disposed of with a direction to the respondents to release the seized stocks i.e., 145.50 Quintals of Black Gram Dal and 72.00 quintals of Green Gram Dal in favour of the petitioners subject to the condition that the petitioners should furnish the bank guarantee for the equivalent value of the stocks to be determined by the concerned authorities.

Consequently, Miscellaneous Petitions, if any, pending shall

stand closed. There shall be no order as to costs.

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JUSTICE M.S.K. JAISWAL

Date:19.05.2016

Note: Furnish C.C. by tomorrow

(B/O)

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