

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25417 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction of the second respondent in releasing the stocks seized pursuant to the mediator's report dated 09.06.2016 inspite of submitting the representation dated 24.06.2016 expressing readiness to furnish third party surety as being illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies for the State of Telangana.

3. The case of the petitioner is that the petitioner supplied the raw rice to Sri Chitra Agro Exports, Kakinada vide Bill No.218 dated 06.06.2016 under valid Way Bill No.36160606069571635. The petitioner also paid the market fee to the Agricultural Market Committee, Mahabubabad on 06.06.2016 and obtained permission. It is the further case of the petitioner that the respondents herein seized the lorry bearing registration No.AP-05-TT-3609 along with the rice.

4. The contention of the learned counsel for the respondents is that the petitioner is diverting the PDS rice from Warangal to Kakinada. A perusal of the record reveals that the Station House Officer, Kalluru Police Station, registered a case in Crime No.97 of 2016 under Section 420 IPC and Sections 7 and 8 of the Essential Commodities Act.

5. Learned counsel for the petitioner states that the petitioner submitted a representation on 24.06.2016 to the Joint Collector – Khammam, for release of the stock, but no orders are passed till

date. The only relief sought by the petitioner is to direct the respondents to pass orders on his representation dated 24.06.2016. 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.

6. Having regard to the facts and circumstances of the case and also in view of the submissions made by both counsel, the second respondent is hereby directed to dispose of the representation of the petitioner dated 24.06.2016 in accordance with law as expeditiously as possible, preferably, within a period of one month from the date of receipt of copy of this order.

7. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 1, 2016.
Rns