

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.8087 of 2009

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Between:

1. Sunkara Sreenivasulu and others.

PETITIONERS

AND

1. The Joint Collector, Nellore, SPSR Nellore District, and others.

RESPONDENTS

ORDER:

This writ petition is filed with the following prayer –

“....to issue a writ of mandamus or any other appropriate Writ or direction declaring the action of the respondents in seizing paddy of 299 bags each 65 Kgs. and the Lorry bearing No. AP 05 Y 7899 and the condition imposed by the 2nd respondent in Rc/B/228/09 dt. 15-4-2009 as illegal and arbitrary and consequently direct the respondents to release the paddy and the lorry to the petitioners forthwith....”

The case of the 1st petitioner is that he is the owner of Ac.11.00 of wet land and raised 1010 variety crop in the said land. He engaged a lorry bearing No.AP 05 Y 7899 belonging to the 2nd petitioner to transport the paddy of 299 bags from his village to Sullurpet market yard to store the paddy or to sell the same in the market. While so, the vehicle was checked by the 3rd respondent, who seized the paddy and lorry at Birudavada, on 9.04.2009, on the ground that the paddy is being transporting illegally and initiated proceedings under Section 6A of the Essential Commodities Act, 1955. The petitioner filed an application before the 2nd respondent to release the paddy and lorry. The grievance of the petitioner is that though there is no material on record to show that the petitioners violated any provisions of the Essential Commodities Act for imposing conditions for release of paddy and lorry, the 2nd respondent vide order dated 15.04.2009 released the paddy and lorry on furnishing Bank guarantee/FDR for Rs.1,80,745/-. The said order is under challenge in this writ petition.

This Court by order dated 20.04.2009 while issuing Rule Nisi, granted interim direction subject to condition the petitioner furnishing third party immovable property for the value of the goods seized, to the satisfaction of the competent authority.

A counter affidavit is filed by the 1st respondent opposing the averments made in the writ affidavit.

In the counter there is no mention about completion of enquiry and passing of final orders as on date. In that view of the matter, no useful purpose would be served by keeping the writ petition pending.

Therefore, the writ petition is disposed of directing the respondents to conclude the proceedings initiated under Section 6A of the act and pass appropriate final orders, if not already passed, in accordance with law as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

9th February, 2016
Js.