

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.13478 OF 2016

ORDER:

The writ petition is filed challenging the action of the 2nd respondent-Joint Collector in not returning 75% of stocks out of total stocks value of Rs.1,18,900/- which comes to Rs.89,175/- in terms of the judgment dated 24.04.2014 in Criminal Appeal No.49 of 2013 on the file of the Principal District Sessions Judge, Warangal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The facts are not in dispute. As can be seen from the material placed on record it is clear that the 6A proceedings were initiated under the Essential Commodities Act, 1955 (for short, "the Act"). The Petitioner is a dealer in oil and oil seeds. In the 6A proceedings, the 2nd respondent-Joint Collector had directed the confiscation of the seized goods of worth Rs.1,18,900/-. Petitioner paid the said sum of Rs.1,18,900/- by way of challan and got released the seized goods. Thereafter, the petitioner challenged the order dated 22.04.2013 of the 2nd respondent-Joint Collector by filing a Criminal Appeal No.49 of 2013 before the Principal District and Sessions Judge, Warangal and the Principal District and Sessions Judge, Warangal by a judgment dated 24.04.2014 while partly allowing the appeal modified the order of the 2nd respondent-Joint Collector limiting the confiscation to 75% of the amount. The order of the Joint Collector had become final. The petitioner approached the 2nd respondent by seeking refund of the balance amount of 25% in terms of the judgment of learned Principal District and Sessions Judge, Warangal by filing a representation dated 23.6.2014.

Now the grievance of the petitioner is that the 2nd respondent-Joint Collector is not taking any steps to refund the 25% of the amount in terms of the judgment of the learned Principal District and

Since there being no dispute that the judgment of the Principal District and Sessions Judge, Warangal in Criminal Appeal No.49 of 2013 became final, the writ petition is allowed directing the 2nd respondent-Joint Collector to refund the 25% of the amount in terms of the Judgment dated 24.04.2014 of the Principal District and Sessions Judge, Warangal in Criminal Appeal No.49 of 2013 within a period of six weeks from the date of receipt of copy of the order with interest at 6% p.a in terms of Section 6-C(2) of the Essential Commodities Act,1955. No order as to costs.

CHALLA KODANDA RAM,J

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date:21.04.2016

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