THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7149 of 2016

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Between:

M/s. Vyshnavi Industries Rice Mill
Rep. by its Managing Partner, Kacham Srinivas.

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary to the Consumer Affairs, Food and Civil Supplies, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

In this writ petition the petitioner challenges the action of the 4th respondent in seizing 400.80 quintals of rice from the petitioner-rice mill by conducting panchanama dated 22.02.2016.

The petitioner is a rice mill and it is in the business of purchase, mill and sale of paddy and rice. On 21.02.2016 the officials of Vigilance and Enforcement Department along with the police came to the petitioner-rice mill, found a lorry loaded with rice and seized the said lorry along with the stocks of rice. Thereafter, on 22.02.2016 they inspected the petitioner-rice mill and seized 400.80 qtls of rice alleging that the said stock is suspected to be PDS rice by conducting panchanama. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner contended that the seized stock is not of PDS rice; that the petitioner is eager to cooperate for the expeditious disposal of the case filed under Section 6A of the Essential Commodities Act, 1955 (for short 'the Act') against him; that the petitioner filed an application on 26.02.2016 before the 2nd respondent for release of the seized stock but the 2nd respondent is not releasing the same; and that the petitioner is willing to furnish a bank guarantee for the value of the stock seized and subject to the said condition, the stock may be released to the petitioner.

Learned Government Pleader appearing for respondents opposes the writ petition.

In that view of the matter, the Writ Petition is disposed of directing the petitioner to furnish a bank guarantee for the value of the seized stock to the 2nd respondent and also to keep the said bank guarantee alive during the pendency of proceedings under Section 6A of the Act. As and when the petitioner furnishes bank guarantee the 2nd respondent shall release the seized stock to the petitioner. The 2nd respondent shall also complete the proceedings under Section 6A of the Act against the petitioner within three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J.

4th March, 2016
Js.