

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

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WRIT PETITION No.16449 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 action of the respondents in respect of seizure of 372.80 quintals of rice from the rice mill of the petitioner through panchanama, dated 08.05.2016 by registering a case under Section 6A of the Essential Commodities Act, 1955 and not releasing the said seized stock even though the petitioner approached the 2nd respondent and filed a petition on 13.05.2016 showing his readiness to furnish the third party surety to the value of the said stocks, as arbitrary and illegal and consequently, to direct the respondents to release the above mentioned seized stocks.

2. Learned counsel for the petitioner contends that pending disposal of the 6A enquiry, the seized stocks may not be disposed of and a time limit be fixed for completion of proceedings under Section 6A of the Act. He also contends that the seized stocks are perishable in nature and the petitioner is 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 petitioner are not perishable and that the respondents will complete the enquiry under Section 6A of the Act within two months.

4. Having regard to the said submissions, this Writ Petition is disposed of directing the respondents to complete 6A proceedings

initiated against the petitioner within two (02) months from the date of receipt of a copy of this order and pending enquiry, stocks seized from the petitioner may not be sold and if the petitioner offers to furnish third party security, the respondents may consider for releasing the stocks to the petitioner on his furnishing third party security for the value of the seized stocks. 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

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