

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.19708 OF 2016

ORDER:

The limited grievance of the petitioner is that proceedings under Section 6-A of The Essential Commodities Act (for short 'the Act') have been initiated against him and pending the same, respondents are trying to dispose of the seized stocks.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner submits that pending disposal of 6-A proceedings, seized stocks may not be disposed of and a time limit may be fixed for completion of 6-A proceedings. He further submits that the seized stocks are not perishable in nature and the petitioner is also ready to furnish third party security for the value of the stocks. He relied on the judgment of this Court passed in W.P.No.15268 of 2016 on 28.04.2016.

Learned Government Pleader submits that the seized stocks are not perishable in nature and the respondents will complete the enquiry contemplated under Section 6-A of the Act within a period of two months.

It is not in dispute that the petitioner is not a dealer and the provisions of Control Order would not apply to the petitioner. The allegations in the panchanama even taken to be true, petitioner is only a purchaser of PDS rice and there is no prohibition for purchase of PDS rice when the beneficiaries are selling and the acts of the petitioner *prima facie* cannot be construed as a crime. In that view of the matter and having considered the rival submissions, the writ petition is disposed of directing the respondents to conclude 6-A

proceedings initiated against the petitioner within a period of two weeks from the date of receipt of a copy of this order and pending enquiry, the seized stocks shall not be sold and if the petitioner offers to furnish any third party security for the value of the seized stocks, the respondents shall consider for releasing the stocks. There shall be no order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

29th June, 2016.

sur