

**THE HONOURABLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.11018 OF 2017**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

***“Issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing the stocks 303 bags of rice (each 25 Kgs), 230 bags of rice (each 50 Kgs), 4 lots of rice and 32 bags of rice (each 50 Kgs) total 246 quintals of rice total worth of Rs.5,76,300/- only along with vehicle bearing No.Tractor Choice No.R 130-874 is illegal, arbitrary and in violation of principles of natural justice, and consequently direct the respondents to release the seized stocks 303 bags of rice (each 25 Kgs), 230 bags of rice (each 50 Kgs), 4 lots of rice and 32 bags of rice (each 50 Kgs) total 246 quintals of rice total worth of Rs.5,76,300/- only along with vehicle bearing No.Tractor Choice No. R 130-874 of the petitioner.”***

2. Heard Sri K.Srinivas, learned counsel for the petitioner, learned Government Pleader for Civil Supplies (TS) appearing for respondent Nos.1 to 3 and the learned Government Pleader for Home (TS) appearing for respondent No.4.

3. Pending proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short, “the Act”), the respondents herein seized the stocks i.e., 303 bags of rice (each 25 Kgs), 230 bags of rice (each 50 Kgs), 4 lots of rice and 32 bags of rice (each 50 Kgs) totalling 246 quintals of rice total worth Rs.5,76,300/-and also the vehicle i.e., Tractor Choice bearing No.R 130-874. In the present writ petition, the petitioner herein is seeking release of the same under the provisions of the Essential Commodities Act.

4. Admittedly, there is a provision of filing an application seeking interim custody. In the present case, admittedly, no such application was filed by the petitioner herein and without availing the alternative remedy, the petitioner directly filed the writ petition under Article 226 of the Constitution of India. In view of the availability of the alternative remedy before the Joint Collector, Wanaparthy, Wanaparthy District/respondent No.2 under Section 6-A of the Act, this Court is not inclined to entertain the present writ petition. However, it is open for the petitioner herein to make a representation before respondent No.2 for redressal of his grievance and for consideration by the respondents herein in accordance with law.

5. Accordingly, the Writ Petition is closed. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

28.03.2017  
AMD

**JUSTICE A.V.SESHA SAI**

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**Date: 28.03.2017**

AMD