

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26704 OF 2017

ORDER:

The petitioner is a Miller and took a rice mill on lease in the year 2016 from its Proprietor. The rice mill, M/s.Venkat Sai Industries, is situated in Marikal Village and Mandal. After the petitioner took over the rice mill, he changed the name of the rice mill to M/s.Sri Ankala Parameshwari Rice Industries. He states that there is no restriction of movement of rice in the entire State of Telangana. He can convert the paddy into rice in his rice mill for any third party. He also does 'custom milling rice', with respect to the paddy supplied by the Civil Supplies Corporation. He states that he procured paddy from the traders situated in different villages and supplied the same to the fifth respondent and the fifth respondent, after acknowledgment, sent the same to the fourth respondent for delivery as levy rice on 12.07.2017. He entered all the said transactions in Form-B Register.

While so, on 22.07.2017, the third respondent inspected the mill premises and did not find any irregularity. The third respondent thereafter visited the premises of the fourth respondent and enquired with regard to the availability of rice delivered by the petitioner. He noticed the quantity of 810 quintals of rice in 1620 bags in fourth respondent premises. He came to the conclusion that the rice so supplied was of 'Public Distribution System' (PDS) rice. After verifying the premises of the fourth respondent, he conducted Panchanama and initiated proceedings against the petitioner. Challenging the said Panchanama, the present writ petition is filed.

Since the proceedings are pending before the second respondent, this Court is not inclined to interfere with the proceedings

before the second respondent, who is competent authority to enquire into the fact whether the rice seized under Panchanama is PDS rice or regular rice supplied to the fourth respondent. However, the petitioner states that the quantity of 810 quintals of rice seized under Panchanama dated 22.07.2014 is not required by the second respondent for the purpose of his enquiry and he is ready to furnish the required Bank Guarantee to his satisfaction.

In view of the above, the second respondent is directed to release the seized stock after taking samples and other evidence for conducting enquiry on the petitioner furnishing Bank Guarantee to the value of the seized stock to the satisfaction of the second respondent. It is needless to observe that the second respondent shall complete the enquiry as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order. The petitioner shall cooperate for the disposal of the case before the second respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

09.08.2017

Note: Issue CC by 11.08.2017.

(By order)

pln