

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33081 of 2017

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for the respondents.

The first petitioner claims to be the Proprietor of M/s.Sri Venkata Seshadri Modern Rice Mill, Pathuru, Kavali Town, SPSR Nellore District, whereas petitioner Nos.2 to 5 are the ryots of Lakshmipuram and Jaladanki Villages. It is the case of the petitioners that petitioner Nos.2 to 5 brought their paddy to the mill of the first petitioner for the purpose of milling. While the process of milling was going on, respondent No.4 inspected the rice mill on 08.09.2017 and seized 8.900 Mts of broken rice, 56.625 Mts of rice and 205.465 Mts of paddy available in the mill alleging that there is a balance of custom milling rice to be delivered by the first petitioner to the Andhra Pradesh State Civil Supplies Corporation Limited. He submitted a report on 11.09.2017 and on the basis of the said report 6A proceedings were initiated and they are pending before the second respondent. While so, the petitioners filed a petition on 20.09.2017 seeking release of the seized stock. Without considering the said petition, an order was passed on 23.09.2017 directing the Tahsildar to take possession of the balance seized stocks from the custodian where the stock was kept and dispose of the same in open public auction. Challenging the same, the present Writ Petition is filed.

Though it is not clear whether the second respondent is aware of the pending petition filed by the petitioners, in view of the submission made by the learned Counsel for the petitioners supported by the copy of the petition dated 20.09.2017 filed along with the Writ Petition, this Court is constrained to set aside the impugned order dated 23.09.2017.

In the circumstances, the impugned order dated 23.09.2017 is set aside and the matter is remanded to the second respondent for consideration of the petition filed by the petitioners dated 20.09.2017 and passing appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Till such time, there shall be no auction for sale of the seized stock.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

04.10.2017

Note: Issue C.C by tomorrow.

B/o.

vs