

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25969 of 2017

ORDER:

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

The petitioner claims to be the Proprietor of Sri Srinivasa Rice and Flour Mill, Enugupalem Village, Vinukonda Mandal in Guntur District. He states that he is a miller delivering the rice to the Andhra Pradesh State Civil Supplies Corporation Limited under Custom Milling Rice (CMR). The mill was allotted 3650 quintals of CMR paddy for conversion of the same into rice and the mill converted 2430 quintals of paddy and the resultant rice was delivered to the Corporation. When he sent the consignment of 270 quintals of rice to the Corporation on 30.05.2017, the same was rejected by the Corporation on the same day stating that 540 bags of rice offered by the petitioner was found to exceed the limits of specifications in respect of broken (27%) and admixture (10.7%). In those circumstances, he has to sell the same in the open market. Accordingly, he loaded 500 bags of rice for transporting the same to the Krishnapatnam Port in the lorry bearing No.AP 27 TY 0306. The consignment was covered by a way bill and permit issued by the Agriculture Market Committee, Vinukonda, dated 29.06.2017. While the lorry was proceeding to Krishnapatnam Port it was stopped and seized on 29.06.2017 by the Sub Inspector of Police, Duttaluru, and a report was filed before the

Joint Collector, Nellore, under Section 6A of the Essential Commodities Act, 1955. The petitioner submitted a petition on 02.07.2017 before the second respondent requesting to drop the proceedings and release the seized stock and offered to furnish bank guarantee also. In spite of the same, without adverting to the representation of the petitioner, when the impugned order was passed on 24.07.2017 directing disposal of the seized stock by the District Manager, Andhra Pradesh State Civil Supplies Corporation Limited, Nellore, the present Writ Petition is filed.

This Court carefully perused the impugned order dated 24.07.2017 and noticed that the case set up by the petitioner was not considered by the second respondent and the impugned order was passed based on the version given by the Officers.

In the circumstances, this Court is constrained to set aside the impugned order dated 24.07.2017 and remit the matter to the second respondent for passing fresh orders by taking into consideration the documentary evidence filed by the petitioner and the representation submitted by him.

The Writ Petition is, accordingly, allowed at the admission stage. 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)

03.08.2017

Note: Issue C.C by tomorrow.

B/o.

vs