

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27372 of 2017

ORDER:

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

The petitioners claim to be purchasers of 280 bags of boiled rice each weighing 50 kgs from Tamil Nadu State and wanted to sell the same to the needy in Nellore. They state that they engaged a lorry bearing No.AP 31 TD 3119 belonging to one Manna Munisekhar to transport the said rice from Tamil Nadu to Nellore. While the lorry was transporting to Nellore, the Police, Doravarisatram, stopped it and seized the same. Crime No.40 of 2017 was registered. They handed over the stock to the Civil Supplies Deputy Tahsildar, Sullurupet - the third respondent, who seized the lorry and stock. A panchanama was conducted on 30.06.2017. Now 6A proceedings are pending before the second respondent. The petitioners further state that they, along with the owner of the lorry, filed a petition before the second respondent on 02.07.2017 for release of the seized stock and lorry and an order was passed on 22.07.2017 for release of the seized lorry on furnishing a bank term deposit receipt for Rs.75,000/-. So far as the stock is concerned, by order dated 05.08.2017, the Tahsildar was directed to take possession of the stock from the custodian i.e., DBR Foods Private Ltd., Nelaballi Village of D.V.Satram Mandal and to remit the cost of the same

to the Court of the Joint Collector, SPS Nellore. Challenging the same, the present Writ Petition is filed.

A perusal of the order dated 05.08.2017 shows that the second respondent did not consider the petition of the petitioners for release of the seized stock. They filed a copy of the petition dated 02.07.2017 along with papers filed in the present Writ Petition. Since the petition of the petitioners was not disposed of, but an order was passed on 05.08.2017, this Court is constrained to set aside the impugned order dated 05.08.2017 and to remand the matter to the second respondent to consider the petition of the petitioners dated 02.07.2017, and to pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. 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)

17.08.2017

Note: Issue C.C in one week.

B/o.

vs