

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3102 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in issuing proceedings EC Act Case No.165/2016-S7 dated 09.01.2017 directing the 3rd respondent to dispose of the seized stock of 385 quintals of paddy, 65.25 quintals of rice, 80 quintals of rice, 15 quintals of PDS rice in A.P.S.C.S.C.L. bags, 60 quintals of broken rice and 45 quintals of bran from the petitioner rice mill pending proceedings under Section 6(A) of Essential Commodities Act, 1955 is illegal, arbitrary and violation of principles of natural justice, and consequently direct the respondents not to auction the stocks seized from the petitioner pending proceedings under Section 6(A) of Essential Commodities Act 1955.”

According to the petitioner, he is dealing with the business of milling of paddy. On 07.11.2016, the respondent authority seized 385.00 quintals of paddy, 65.25 quintals of rice in 261 bags @ 25 kgs each and 80.00 quintals of rice in 160 bags @ 50 kgs each, 15.00 quintals of PDS rice, 45.00 quintals of bran, stocks all worth Rs.12,85,625/-, along with Force Van bearing No.AP7 TB 9726 from the rice-mill of the petitioner, on the ground of alleged violation of Control Orders and sent a report to the District Collector, Guntur, proposing confiscation to

the Government under Section 6-A of the Essential Commodities Act, 1955 (hereinafter called “the Act”).

By way of order, dated 09.01.2017, the District Collector, Guntur, directed disposal of the same in open auction pending 6-A proceedings. The main ground, on which, the District Collector, Guntur, directed sale of seized stock, is that the seized stock is subjected to speedy and natural decay/ evaporation in the nature. This Court is of the opinion that the seized stock being paddy, rice and bran is not immediately perishable in nature and it can certainly await disposal of the proceedings pending under Section 6-A of the Act. In the event the petitioner succeeds in the pending proceedings, sale of the seized stock pending such proceedings would undoubtedly cause serious hardship to him. Therefore, it is appropriate that the respondents do not sell the seized stock till the disposal of the proceedings under Section 6-A of the Act.

Subject to the above direction, the Writ Petition is disposed of.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand disposed of. No order as to costs.

A.V.SESHA SAI, J

31st JANUARY, 2017.

Note: issue c.c. in four days.

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