

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.24619 of 2017

ORDER:

Heard the learned counsel for the petitioner and also learned Government Pleader for Civil Supplies for respondents and perused the prayer in the writ petition with the supporting affidavit.

The prayer in the writ petition is as follows:

“To issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in issuing the impugned interim order dt.19.07.2017 in E.C.P.No.249/2017 rejecting the petitioner's claim for release of the seized stocks on furnishing of bank guarantee and directing the 3rd respondent to dispose of the seized stocks by conducting public auction without properly considering the petition filed by me on 03.07.2017, as being illegal, arbitrary, unjust and unconstitutional and consequently set aside the same, and to grant such other relief or reliefs.”

It is the grievance of the petitioner that the respondents under the guise of the rice in question is PDS rice are trying to dispose of the same covered by the impugned order dated 19.07.2017.

Undisputedly, the proceedings under Section 6-A of the Essential Commodities Act are pending. Having regard to the above, in the said proceeding, the Collector (CS) has to determine the rice in question is PDS or not before ordering for disposal.

Accordingly and in the result, the Writ Petition is disposed of by directing the Collector (CS) to dispose of Section 6-A proceedings within two (02) months from today and in the meantime, not to conduct auction of the said rice. Needless to

say any auction is subject to final result of Section 6-A proceedings.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 27.07.2017

Note: Issue C.C. tomorrow

(B/o)

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