

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21257 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an order, direction or writ, more particularly one in the nature of writ of mandamus declaring the action of respondent No.3 is seizing 250 bags of raw rice each weighing 50 Kgs, belonging to the 1st petitioner along with TATA Eicher Van bearing No.AP 26U 8322 belonging to 2nd petitioner on 30.05.2017 as illegal, arbitrary and without any authority of law and contrary to the provisions of Essential Commodities Act, 1955 and the Orders made there under and consequently direct the respondents not to take any action in pursuance of the illegal seizure and pass such other order or orders in the interests of justice.”

2. Heard learned counsel for the petitioners and perused the prayer in the writ petition with supporting affidavit and the other material on record, including the impugned seizure and panchanama proceedings dated 30.05.2017 and also heard the learned Government Pleader for Civil Supplies, representing the respondents.

3. When the matter is called, it is the submission of the learned Government Pleader for Civil Supplies representing

for the respondents that already section 6A proceedings under Essential Commodities Act were initiated and the same are pending.

4. Having regard to the above, this writ petition is disposed of, by directing the 2nd respondent to dispose of the Section 6A proceedings within two months from the date of receipt of a copy of this order and in the meantime, not to sell the stock or dispose of the vehicle but for after disposal of the Section 6A proceeding subject to its result. Needless to say, if at all the petitioner furnishes any bank guarantee for the value of the vehicle for interim custody meantime the authorities can release and it is subject to undertaking to produce if at all required.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

30.06.2017

*Note: issue C.C. by 03.07.2017.
B/o.SS*