

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

WRIT PETITION No.16590 OF 2017

ORDER:

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

“to issue a Writ, order or direction especially in the nature of Writ of Mandamus the action of the 3rd respondent seized the stock of rice 17.25 Quintals of the petitioner is illegal, arbitrary and violation of the principles of the natural justice and consequently direct the 3rd respondent to release the stock.”

2. Heard Sri M.Karibasaiah, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.

3. The averments made in the affidavit filed in support of the writ petition show that the petitioner is the Proprietor of the SLV Traders and the commodities seized from the premises of SLV Traders as if PDS rice, though it is not the PDS rice and the petitioner procured the rice from the farmers, the question of maintaining the stock register for the same does not arise and the seizure is illegal and the stock is to be returned back.

4. A perusal of the record shows, on receipt of the information, the Tahsildar along with the Municipal Authorities and the Vigilance officials visited the SLV Traders godown and seized 17.25 quintals of rice along with sugar

etc., on 16.04.2016, covered by panchanama proceedings in Rc.No.201/2016/CSDT. Section 6A proceedings are initiated and undisputedly, the said proceedings are pending with the Collector (CS). Whether the subject rice is PDS rice or not and the same is liable to be confiscated or not is a matter to be decided in the Section 6A proceedings.

5. So far as writ petition averments concerned, it is a matter of defence of him before the Collector in the Section 6A proceedings and it cannot be decided in the writ petition as to it is a PDS rice or non PDS rice.

6. Having regard to the above, there is nothing to hold the rice is a non PDS rice and seizure is illegal, but for disposing of the writ petition to raise all issues before the Collector in Section 6-A proceedings and however by giving custody of the rice subject to bank guarantee for Rs.20,000/- to protect the utility and the consumption of seized rice, so that even under Section 6A proceedings, if at all found entire or portion of the rice is liable to be confiscated, its value required of it can be confiscated.

7. In the result, this writ petition is disposed of with above observations. 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

01.06.2017

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