

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22677 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 5th respondent in seizing the stock from the writ petitioner’s shop Door No.11/G, Tiruvenkata Nagar Village of Tada Mandal, SPSR Nellore District, through a mediator’s report dt.01.07.2017 as illegal, arbitrary and violation of principles of natural justice and also contrary to the procedure of seizure of stocks and consequently direct the 5th respondent to release the seized stocks recorded in the mediator’s report to the petitioner seized from the petitioner’s shop.”

2. It is stated in the affidavit filed in support of the writ petition that the petitioner was granted A-4 license, dated 01.09.2015, for a period of two years by respondent No.4 and the same expired on 30.06.2017. Respondent No.1 issued a new notification on 23.03.2017 calling for fresh applications for grant of A-4 licenses in Andhra Pradesh and through the said notification, a third party had obtained a new license for A-4 shop from respondent No.4 commencing from 01.07.2017 to 30.06.2019. The new licensee had obtained the license to run the business from the same premises where the petitioner was running the business earlier. The new licensee had to commence business from 01.07.2017 after obtaining stocks from the A.P.S.B.C.L. Depot. Surplus stocks belonging to the petitioner remained in the premises on 30.06.2017 and the stocks of the new licensee was expected to

arrive to the same premises on 01.07.2017 after 7:00 P.M. As the stocks were left over in his shop even after completion of the license period, the petitioner intended to surrender the said stocks to the A.P.S.B.C.L. Depot at Ojili. For the said purpose, he engaged a vehicle on 01.07.2017, but due to the commencement of Goods and Services Tax (G.S.T.) from 01.07.2017, vehicles were not available for transportation. For this reason and some other reasons, the petitioner could not send back the remaining stocks to the Depot. While so, on 01.07.2017, respondent No.5 inspected the premises and under the impression that the petitioner was conducting the business in the premises even after expiry of his license, seized the entire stock by recording a mediators' report. Hence, the petitioner filed the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner intends to send back the remaining stocks to the Depot from where he purchased them, but in the meanwhile, respondent No.5 seized the stocks; that the petitioner is ready to execute a bank guarantee and on return of the stocks, he would send back the same to the Depot from where he purchased them.

4. Considering the facts and circumstances of the case and the grievance of the petitioner, respondent No.5 is hereby directed to release the stocks, which were recorded in the mediators' report, dated 01.07.2017, to the petitioner on condition of his executing a personal bond for a sum of Rs.3,00,000/- (Rupees three lakhs only) with one surety for the like sum to the satisfaction of respondent No.5. The petitioner shall also file an affidavit before

the authorities that he will send back the said stocks to the Depot from where he purchased them.

5. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 10.07.2017
AMD



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