

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.18266 of 2017

ORDER

This writ petition is filed for the following relief:

“...to issue a writ, order or direction more so, a writ in the nature of Mandamus, by declaring the action of the respondents in illegally seizing the stocks of A & B register totally quantity of 258.40 MTS of paddy and 544.5 MTS of rice and lose rice and 14.5 quintals of broken rice by proceedings dated 29.12.2016 as illegal, arbitrary, high handed, contrary to law and violative of principles of natural justice and to declare the same as null and void and consequently to direct the respondents to release the stocks to the petitioner rice mill by dropping the proceedings under Section 6-A of the Essential Commodities Act and may pass such other order or orders as this Hon'ble Court may be pleased to deem fit and proper in the interests of justice and equity.”

The petitioner is a rice mill. An inspection was conducted on 29.12.2016 and the stock was seized under panchanama. Now, the proceedings are pending before the 3rd respondent. Challenging the seizure of the stock, the present writ petition is fled.

Learned Government Pleader, based on written instructions, submits that proceedings are pending before the District Collector, but not before the 3rd respondent. He further submits that in view of transfer of the District Collector, the enquiry is not yet completed.

Thus, it is evident that the enquiry is likely to take some time. In the circumstances, it is not advisable to retain the seized stock till the disposal of the proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act').

In view of the same, the District Collector, Srikakulam, is directed to release the seized stock by taking appropriate samples for the purpose of enquiry and by taking security to his satisfaction from the petitioner within a period of two weeks from the date of receipt of a copy of this order. It is needless to observe that enquiry under Section 6-A of the Act shall be completed as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

29th August, 2017

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