

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10216 OF 2017

ORDER:

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

“to issue writ or order or direction particularly one in the nature of writ of mandamus declaring the action of the respondent No.3 in seizing sunflower Oil 64565 Liters, Refined Oil (Plaim) 9095 Liters, Ground Nut Oil 4260 Liters, Vanaspathi Oil 1973 Liters, Til Oil 144 Liters, Cotton Seed Oil 2610 Liters, Rice Brand Oil 10487 Liters, Rice 3230 Kgs., Atta 4980 Kgs., Dal (Pulses) 7610 Kgs., on 17-03-2016 from the business premises of the petitioner i.e. Mahendra Oil Traders, Nayeem Nagar, Hanumkonda, Warangal on the ground that there are certain variations when compared to the book balance with that of ground stock and also to declare the order dt.26-04-2016 in ECAC No.81 of 2016 passed by the 2nd respondent directing sale of the aforesaid stocks as illegal arbitrary, consequently direct the respondents to release the aforesaid stocks in favour of the petitioner.”

2. Heard Sri A.Prabhakar Rao, learned counsel for the petitioner, and the learned Government Pleader for Civil Supplies appearing for the respondents.

3. Admittedly, proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short, “the Act”) are pending before the District Collector in the instant case and it is submitted by the learned Government Pleader that it is open for the petitioner to submit an application before the District Collector.

4. A request is made by the learned counsel for the petitioner that the petitioner may be permitted to file such an application before the District Collector for interim custody of the stock within a period of one week from today.

5. Accordingly, the Writ Petition is disposed of, leaving it open to the petitioner to make an application before the District Collector in the pending proceedings under Section 6-A of the Act within a period of one week from today and if any such application is filed within the time stipulated, the respondents shall dispose of the same as expeditiously as possible. There shall be no coercive action in the meanwhile. However, this order will not preclude the respondents from proceeding in accordance with law under Section 6-A of the Act. There shall be no order as to costs.

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

22.03.2017
AMD

JUSTICE A.V.SESHA SAI

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Date: 22.03.2017

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