

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.18024 of 2017

ORDER:

Heard learned counsel for the petitioner and also the learned Government Pleader for Civil Supplies representing the respondents.

The prayer in the writ petition is the following:

“To issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No.4 in seizing the stocks (1) common rice 230 bags, 112.70 quintals, (2) Grade A rice 495 bags, 242.50 quintals, (3) Paddy 1001 variety 881 bags, 410 quintals and (4) fine variety paddy 119 bags, 70.10 quintals from the petitioner rice mill by conducting a panchanama, dated 26.04.2017, even though there is no prohibition in regarding with storage, selling and purchase of the rice and paddy, now A.P. Schedule Commodities (Licensing, Storage and Regulation) Order, 2008, is also not in force, and now proposing to sell the said seized stocks, without releasing the same in favour of the petitioner, is nothing but arbitrary, illegal, null and void and violative of the principles of natural justice and violative of Articles 14, 19 & 21 of the Constitution of India. Consequently, direct the respondents Nos.2 to 4 to release the seized stocks (1) common rice 230 bags, 112.70 quintals, (2) Grade A rice 495 bags, 242.50 quintals, (3) Paddy 1001 variety 881 bags, 410 quintals and (4) fine variety paddy 119 bags, 70.10 quintals, seized through panchanama, dated 26.04.2017, in favour of the petitioner, and to pass such other order or orders.”

It is the submission of the learned Government Pleader that already Section 6-A of the Essential Commodities Act proceedings initiated by the Collector (CS), Warangal District, respondent No.2, and posted the matter to 08.06.2017 for appearance of the writ petitioner, respondent therein among others if any.

Having regard to the above, the Writ Petition is disposed of and the petitioner is directed either to furnish bank guarantee or to wait till disposal of the Section 6-A proceedings by the Collector (CS) with a further direction to the Collector to conclude the proceedings under Section 6-A of the Act within two (02) months, at any cost, from the date of receipt of a copy of this order and the respondents are directed not to sell the stock in the meantime.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 07.06.2017
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