

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.21720 of 2017

ORDER:

Heard learned counsel for the petitioner and also the learned Government Pleader for Civil Supplies representing the respondents and perused the prayer in the writ petition with the supporting affidavit and the report under Section 6-A of the Essential Commodities Act submitted to the Collector (CS) for taking up the proceedings for enquiry and also perused the written instructions submitted by the learned Government Pleader.

The prayer in the writ petition is as follows:

“To issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 4 & 5 in seizing the stock of 400 bags of rice in 50 kgs each bag worth of Rs.6,60,000/- of the petitioner is illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents 4 & 5 to release the seized stock 400 bags of rice in 50 kgs each bag worth of Rs.6,60,000/- in favour of the petitioner on furnishing personal bond for value of the stock and pass such other order or orders.”

It is the supporting contention from the affidavit of the petitioner that mere suspicion will not make the rice as PDS rice despite way bills in support referred supra in the panchanama produced and thereby it is not PDS rice and to be ordered for its release. It is also the submission that the vehicle in question carrying the alleged PDS rice covered by the same panchanama to be ordered for release on furnishing bank guarantee.

Whereas it is the submission of the learned Government Pleader for Civil Supplies from the written instructions that there

is a prima facie satisfaction of the rice in question is PDS in seizure of the same covered by the panchanama and already Section 6-A proceedings are pending with the Collector (CS).

Having regard to the above and to sub serve the ends of justice and once it is PDS rice, its return on furnishing bank guarantee and interim custody does not arise and this Court has no option except to direct the Collector (CS) to complete the Section 6-A proceedings within two (02) months from the date of receipt of a copy of this order and also not to alienate the stock meantime.

Accordingly and in the result, the writ petition is disposed of.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 13.07.2017
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