

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27328 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner states that it has licence to sell fertilizers in retail at the place specified in the licence. The licence is renewed from time to time and is valid up to 18.06.2019. While so, respondent Nos.3 and 4 inspected the shop of the petitioner on 28.06.2017 and seized the fertilizers. When 6A proceedings are pending before the second respondent, the petitioner filed a petition for release of the seized stock and the second respondent passed an order on 02.08.2017 stating that as per the instructions issued by the Commissioner of Civil Supplies in Circular Ref.No.P1(1)1464/2012/dt.3.7.2012, there is no provision for release of the seized stock to same person from whom the stocks were seized, and accordingly rejected the request. Challenging the said order, the present Writ Petition is filed.

Learned Government Pleader, on the basis of written instructions, submits that the value of the seized stock is Rs.5,39,924/- and interim orders were passed on 02.08.2017 directing the Mandal Agricultural Officer, Anakapalli, to dispose of the seized fertilizers through authorized dealers to the needy farmers. But, no such order is available and, on the other

hand, the order dated 02.08.2017 shows that the application of the petitioner was rejected. If the seized stock is kept pending during the 6A proceedings, most of the stock may become useless.

In the circumstances, if the petitioner furnishes the bank guarantee for the amount of Rs.5,39,924/- (Rupees five lakhs thirty nine thousand nine hundred and twenty four only) to the satisfaction of the second respondent, the second respondent shall take appropriate precaution with regard to the quality and quantity of the seized stock, which may be helpful in deciding the 6A proceedings, and release the seized stock to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

17.08.2017

Note: Issue C.C in one week.

B/o.

vs