

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28031 of 2017

ORDER:

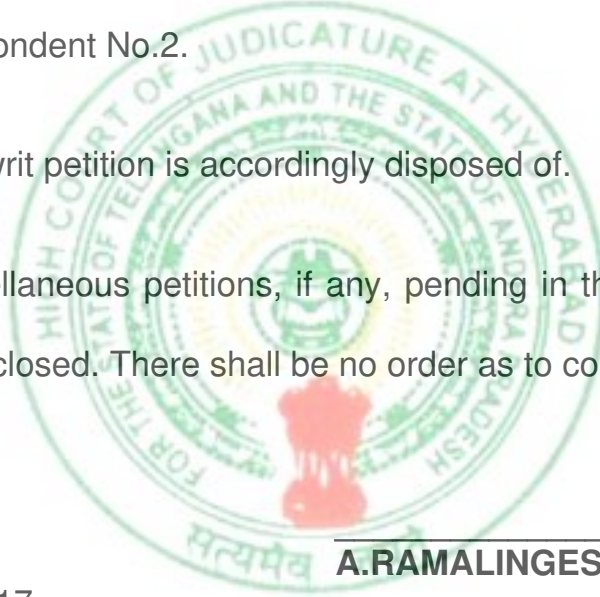
Petitioner is a rice mill situated at Venkannapalem Village, Chodavaram Mandal, Visakhapatnam District. It can convert the paddy into rice. It also does 'custom milling rice' with respect to the paddy supplied by the Civil Supplies Corporation. It states that it procured paddy from respondent No.4 for custom milling and the resultant rice was kept in the rice mill for delivery to respondent No.4. While so, on 09.08.2017, respondent No.3-Assistant Supply Officer, Anakapalli Division inspected the petitioner-rice mill and noticed 6 bags of CMR rice and seized the same under a cover of panchanama, dated 09.08.2017, on the ground that they are PDS rice. The seized stock was kept in CWC godown and handed over to a third party for custody. Challenging the said panchanama, the present writ petition is filed.

Since the proceedings are pending before respondent No.2, this Court is not inclined to interfere with the proceedings before respondent No.2, who is competent authority to enquire into the fact whether the rice seized under panchanama is PDS rice or regular rice. However, the petitioner states that the quantity of 6 bags of rice seized under panchanama, dated 09.08.2017, is not required by respondent No.2 for the purpose of his enquiry and it is ready to furnish the required Bank Guarantee to his satisfaction.

In view of the above, respondent No.2 is directed to release the seized stock after taking samples and other evidence for conducting enquiry on the petitioner furnishing Bank Guarantee to the value of the seized stock to the satisfaction of respondent No.2, if it was not already utilized for the purpose of Public Distribution System. It is needless to observe that respondent No.2 shall complete the enquiry as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order. The petitioner shall cooperate for disposal of the case before respondent No.2.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



A.RAMALINGESWARA RAO, J

Dt:12.09.2017

kdl