

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.13827 of 2017

ORDER:

This writ petition is filed seeking Mandamus to declare the Panchanama dated 06.04.2017 drawn by the 3rd respondent and the consequential seizure of CMR Paddy, Rice, Broken Rice pertaining to the petitioner's Rice Mill as arbitrary, illegal and contrary to the provisions of the A.P. State Public Distribution System (Control) Order, 2008.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

3. Admittedly, the proceedings initiated under Section 6-A of the Essential Commodities Act, 1955 (for brevity "the Act") are pending before the 1st respondent – Collector (Civil Supplies), Visakhapatnam.

4. According to the learned counsel for petitioner, the very action of the respondents in seizing the commodities is totally illegal and without jurisdiction.

5. On the contrary, it is submitted by the learned Government Pleader for Civil Supplies that the petitioner can make an application to the 1st respondent – Collector (Civil Supplies), Visakhapatnam, before whom Section 6-A proceedings are pending consideration.

6. Recording the said submission, this writ petition is disposed of, leaving it open for the petitioner to make an application to the 1st respondent – Collector (Civil Supplies), Visakhapatnam, before whom Section 6-A proceedings are pending consideration, within a period of two weeks from the date of receipt of a copy of this order and, if any such application is received within the said stipulated time, the 1st respondent – Collector (Civil Supplies), Visakhapatnam, shall consider the same and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of such application, after giving notice and opportunity of hearing to the petitioner.

7. As a sequel, Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed. No order as to costs.

JUSTICE A.V. SESA SAI

24.04.2017.
Msr

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24.04.2017
Msr