

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.27632 of 2017

ORDER

This writ petition is filed seeking to declare the seizure of 305.10 quintals of rice along with vehicles bearing Nos.AP29T 8421 DCM Van and AP24TA 1344 TATA ACE by the 3rd respondent under cover of panchanama dated 13.4.2016, as arbitrary and illegal.

The 1st petitioner is doing business in rice and paddy under licence issued by the Government. While so, on 13.4.2016, the 3rd respondent stopped the vehicles bearing Nos. AP29T 8421 DCM Van & AP24TA 1344 TATA ACE belonging to the 2nd petitioner and found that rice meant for Public Distribution System was being transported in the said vehicles and therefore, under panchanama, seized the said rice along with the vehicles. The petitioners submitted applications on 27.6.2016 before the 2nd respondent for release of the seized stock and vehicles and when an order was passed by the 2nd respondent on 22.07.2017 directing the 1st petitioner to furnish bank guarantee for an amount of

Rs.9,15,300/- for release of the stock and the 2nd petitioner to furnish bank guarantee for a sum of Rs.4,00,000/- each for release of the said two vehicles, the present writ petition is filed.

Since the 1st petitioner failed to submit the said bank guarantee, the seized stock was put to auction where the highest bidder offered an amount of Rs.3,41,712/-. As the said amount was less than the value fixed by the authority, the Tahsildar, Vastavai, was directed to conduct re-auction *vide* proceedings dated 22.07.2017, but the re-auction is not yet been conducted.

It is clear from the above events, though the stock and vehicles were seized way back on 13.4.2016, no proceedings were initiated by the 2nd respondent under Section 6-A of the Essential Commodities Act, 1955.

It appears that a criminal case is pending pursuant to registration of FIR No.38 of 2016 against the petitioners on 18.4.2016.

In the circumstances, the Writ Petition is disposed of directing respondents 2 and 3 to take expeditious steps for concluding the criminal case. Till the conclusion of criminal case, the seized stock shall not be sold. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

29th August, 2017
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Note: Issue CC by one week.

