

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.23412 of 2017

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ or direction, more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings of the 2nd respondent vide Rc.B.114/2017, dated 29.04.2017 directing the 3rd respondent to dispose of the seized stocks of 126.60 Qtls of Boiled Rice to the Cardholders as illegal, arbitrary, unconstitutional and violation of principles of Natural Justice and contrary to law and consequently direct the Respondent Nos.2 to 4 to release the seized stocks of 126.60 Qtls of Tamilnadu PDS boiled rice as well as the Electronic Weighing Machine by suspending the impugned order of the 2nd respondent vide Rc.B.114.2017, dated 29.04.2017 and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2) Heard learned counsel for the petitioner and also learned Government Pleader for Civil Supplies representing respondent Nos.1 to 4 and perused the prayer in the writ petition with supporting affidavit and the impugned order of the Joint Collector dated 29.04.2017 pursuant to the seizure covered by panchanama dated 06.04.2017.

3) Undisputedly, including from the impugned order dated 29.04.2017, proceedings under Section 6-A of the Essential Commodities Act are pending. It is the submission of the learned Government Pleader that pursuant to the impugned order, the

seized stock in question, as directed by the Joint Collector, SPSR Nellore District, is distributed to the card holders.

4) Having regard to the above, the Joint Collector (CS) is directed to dispose of the Section 6-A proceedings within two (2) months from the date of receipt of copy of this Order and as of today, if the stock is not distributed pursuant to the impugned order, respondents are directed not to distribute and not to order for its disposal pending final disposal of Section 6-A proceedings supra. No order as to costs.

5) Consequently, miscellaneous petitions, if any shall stand closed.

Date: 20.07.2017

Note: Issue CC by 21.07.2017

B/o.
Knl

JUSTICE Dr. B.SIVA SANKARA RAO

