

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
&
HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.23351 of 2017

Date : 01-11-2017

Between :

N. Siva Rami Reddy

.. Petitioner

And

State of Andhra Pradesh,
Represented by its Principal Secretary,
Commercial Tax Department,
Velagapudi, Amaravathi, Guntur Dist.
and others

.. Respondents

Counsel for petitioner : Sri O. Manohar Reddy

for Sri G. Sravan Kumar

Counsel for respondent Nos.1 to 4 : Sri S. Suri Babu,

Special Standing Counsel for
Commercial Taxes (AP)

Counsel for respondent No.5 : Sri V. Nitesh

The Court made the following :

ORDER: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This Writ Petition is filed for issue of mandamus to declare the action of respondent No.3 in not handing over possession of 1300 bags of paddy seized on 17-11-2016 to the petitioner as illegal and arbitrary. The petitioner sought for a consequential direction to respondent No.3 to handover the said paddy.

At the hearing, Sri O. Manohar Reddy, learned Counsel appearing for the petitioner has submitted that after respondent No.3 has seized the stock of paddy lying in the go-down of respondent No.5, a demand for tax and penalty was raised and that the same was paid. His grievance is that though letter dated 10-3-2017 was addressed by respondent No.3 to respondent No.5 directing him to release the seized paddy in view of the payment of tax and penalty, the latter has not been releasing the same.

In our opinion, in the light of order dated 10-3-2017 addressed by respondent No.3, if paddy is not being released by respondent No.5, no relief against the official respondents including respondent No.3 could be granted. In the light of the apprehension expressed by the learned Counsel for the petitioner that respondent No.5 may have surreptitiously removed a part of the stock of 1300 bags of paddy, we have adjourned the case from 31-10-2017 to today to enable Sri V. Nitesh, learned Counsel for respondent No.5, to get instructions on the availability of the

paddy belonging to the petitioner. Today, at the hearing, the learned Counsel for respondent No.5, on instructions, submitted that the entire stock of 1300 bags of paddy belonging to the petitioner is very much available in the go-down and that due to the non-payment of rentals for the storage of paddy by the petitioner, respondent No.5 has not been releasing the paddy.

Inasmuch as the seizure made by respondent No.3 is no longer in force, no mandamus against him as sought in the Writ Petition can be granted. If any dispute between the petitioner on the one side and respondent No.5 on the other side is existing, it shall be open to the petitioner to avail the appropriate legal remedies against respondent No.5.

Subject to the above observation, the Writ Petition is dismissed.

As a sequel to the dismissal of the Writ Petition, WPMP No.28833 of 2017 filed for interim relief is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Justice Challa Kodanda Ram

Date : 01-11-2017

AM