

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 27569 and 28248 of 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they arise out of identical circumstances.

The case of petitioner No.1 in W.P.No.27569 of 2017 is that the then Assistant Supply Officer, Mahabubnagar along with staff members came to his house on 22.06.2015 and conducted inspection. The Assistant Supply Officer did not find any stock and in those circumstances, he along with the staff conducted inspection of the godown situated at Chatanpally Village and found 313 quintals of rice and 80 kgs., of wheat. A panchanama was conducted and the stock was seized. Proceedings under Section 6-A of the Essential Commodities Act were initiated later on. Respondent No.2-Joint Collector (CS), Ranga Reddy District passed an order, dated 06.10.2015, for confiscation of 100% seized stock of rice and wheat in favour of the Government. Challenging the said order, the petitioners preferred Criminal Appeal No.5 of 2016 before the Principal Sessions Judge, Mahabubnagar, who in turn, set aside the order, dated 06.10.2015 vide judgment, dated 01.11.2016. In view of the same, the seizure had become invalid. The petitioner submitted a representation on 15.11.2016 to respondent No.2 for release of the entire seized stock of rice and wheat, as per the judgment,

dated 01.11.2016 and when no action was taken for the last nine months, the present writ petition is filed.

Even after giving sufficient time to the learned Government Pleader, no instructions were received as to why the seized stock was not released pursuant to the judgment, dated 01.11.2016 in Criminal Appeal No.5 of 2016.

In the circumstances, W.P.No.27569 of 2017 is allowed directing respondent Nos.2 and 3 to release the seized stock within a period of two weeks from the date of receipt of a copy of this order.

W.P.No.28248 of 2017 is filed by the District Collector (CS) Mahabubnagar challenging the order, dated 01.11.2016, passed by the Principal Sessions Judge, Mahabubnagar District in Criminal Appeal No.5 of 2016.

The learned Sessions Judge allowed the Criminal Appeal with the following observations:

“Regarding the variety of rice, a report was obtained that it is the variety distributed to Public Distribution System and not the variety sold in open market. There is no evidence that the appellant purchased rice meant for Public Distribution System from any of the PDS dealers. There is also no evidence that the rice meant for Public Distribution System, was diverted so that it can be sold in black market for a higher price. If so many quintals of rice was really the variety of PDS rice, an enquiry would have revealed that some Fair Price Shop dealers were either having bogus ration cards with them or that genuine card holders were not supplied rice.

Without such supporting evidence, it cannot be said that the rice seized by the Revenue Authorities represents rice

was meant for Public Distribution System and was clandestinely acquired by the appellant/s. There is every possibility that some card holders sold their rice. There is no material to show that the PDS rice was diverted without rice reaching the Fair Price Shop Dealers. Therefore, in view of the stand of the appellants and also the ration laid down in the decisions, this appeal is allowed.”

This Court sees no ground to interfere with the order passed by the learned Sessions Judge.

Therefore, W.P.No.28248 of 2017 is dismissed.

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

Dt:11.09.2017

kdl

A.RAMALINGESWARA RAO,J

