

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24576 of 2017

ORDER

This writ petition is filed for the following relief:

“..... to issue an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ order or direction, declaring the action of the respondent No.2 in not completing the proceedings under Section 6-A of the Essential Commodities Act, even though the stocks of rice of 127.6 quintals of paddy, 338 quintals of rice and 5 quintals of broken rice were seized on 12.9.2016 and without keeping the same in proper custody, and causing damage to it, not releasing the same in favour of the petitioner, is nothing but arbitrary, illegal, null and void and violative of the Articles 14,19 and 21 of the Constitution of India and violative of the provisions of the Essential Commodities Act. Consequently direct the respondent No.2 to release the said seized stocks through panchanama dated 12.9.2016, in favour of the petitioner, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

The petitioner is a rice miller deals with the business of selling, purchasing and milling of the paddy and rice. While so, on 12.9.2016, the 3rd respondent inspected the premises of the rice mill and seized 127.6 quintals of paddy, 338 quintals of rice and 5 quintals of broken rice under panchanama. The alleged seizure took place on the ground that the petitioner purchased the rice from the villagers, who took the same under Public Distribution

System. Later on, proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') were initiated. The present writ petition is filed stating that in view of pendency of the proceedings under Section 6-A of the Act, the seized stocks will be damaged and the 2nd respondent shall be directed to release the same.

Learned Government Pleader, based on instructions, submits that the seized stock is no longer available with the 2nd respondent as the same was distributed to the card holders.

If any part of the seized stock is available with the 2nd respondent, the same shall be released to the petitioner subject to payment of value of the said seized stock. However, the proceedings under Section 6-A of the Act shall be disposed of as expeditiously as possible, by giving due opportunity to the petitioner, within three months from the date of receipt of a copy of this order, as they were pending for the last one year.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

23rd August, 2017
rkk

