

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 36854 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the action of the 4th respondent in proposing to auction the seized stock.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

It is the case of the petitioner that the 3rd respondent-Joint Collector passed impugned orders vide Ref.No.1(2)/217/2017, dated 28.08.2017, wherein the 4th respondent-the Mandal Agriculture Officer, Gopavaram was directed to dispose off the seized fertilizers to the needy ryots as per the procedure.

Learned counsel for the petitioner submits that without issuing any show-cause notice, the impugned order dated 28.08.2017 has been passed. She also submits that there is no variation in stock and without conducting proper enquiry and without considering the explanation of the petitioner, the impugned order has been passed. She submits that the petitioner is ready to furnish bank guarantee for release of the seized stocks, pending enquiry under Section 6-A of the Essential Commodities Act.

In view of the same, it is open for the petitioner to make an application for release of the seized stock before the 3rd

respondent. Thereafter, on such application, within two weeks, the 3rd respondent is directed to consider the same for release of the stock on furnishing Bank Guarantee, pending enquiry under Section 6-A of the Essential Commodities Act. However, the release of the seized stocks shall be subject to orders, to be passed in the enquiry under Section 6-A of the Essential Commodities Act. Till consideration of the application of the petitioner, there shall be interim stay of sale of the seized stocks. The 3rd respondent is also directed to complete Section 6-A enquiry, after issuing notice to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A.RAJASHEKER REDDY,J

06-11-2017

Note: Issue cc by tomorrow.

B/o. kvs

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kvs

