THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34737 of 2017

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for the respondents.

The first petitioner is stated to be a businessman dealing with rice and the second petitioner is the owner of a lorry bearing No.AP 20 TB 4289. While so, on 06.07.2017 at about 6.00 AM when the first petitioner was transporting rice from Addanki to Narketpally in the lorry belonging to the second petitioner, the vehicle was intercepted and the stock was seized on the ground that the transported rice was PDS rice. On the report submitted by the third respondent, the second respondent issued a show cause notice on 25.07.2017 to the first petitioner asking him to explain as to why action should not be taken against the seized stock. The petitioners filed a petition before the second respondent on 09.08.2017 seeking release of the seized stock and the vehicle. The second respondent ordered release of the vehicle on the second petitioner furnishing the bank guarantee for a sum of Rs.2,00,000/- and, accordingly, the second petitioner furnished the bank guarantee on 29.09.2017. The vehicle was released on 05.10.2017. However, in respect of the seized stock, the order was passed on 25.07.2017 directing the Tahsildar to dispose of the seized stock through public auction and remit the sale proceeds amount into the revenue deposits after obtaining confirmation from the Collector (CS). The present Writ Petition is filed seeking a direction to release the bank guarantee and also seeking release of the seized stock.

Admittedly, 6A proceedings are pending before the second respondent and the matter is yet to be enquired. A show cause notice was issued and the enquiry is yet to be completed. Since the seized stock is rice, which is not perishable in nature, there is no need for selling the stock pending disposal of the proceedings by the second respondent. However, with regard to the vehicle, since it was already released, there is no need for returning the bank guarantee as the release of the vehicle is subject to further proceedings in the 6A enquiry undertaken by the second respondent.

In view of the above, the Writ Petition is disposed of directing the second respondent to complete the proceedings under Section 6A of the Essential Commodities Act as expeditiously as possible, but not later than two months from the date of receipt of a copy of this order and the petitioners shall cooperate for disposal of the enquiry. In the meanwhile, the seized stock shall not be sold, if it is not already sold. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

20.10.2017
vs