

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.35149 of 2017

ORDER:

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

The petitioners claim to be purchasers of 372 bags of boiled rice and 13 bags of raw rice from Tamil Nadu State and wanted to sell the same to the needy in Nellore. He states that he engaged a lorry bearing No.AP 26 TD 2356 belonging to one S.Anu to transport the said rice from Tamil Nadu to Nellore. While the lorry was transporting rice to Nellore, the Police, Tada P.S., stopped it and seized the same. They handed over the stock to the Civil Supplies Deputy Tahsildar, Sullurupet - the third respondent, who seized the lorry and stock. A panchanama was conducted on 03.09.2017. Now 6A proceedings are pending before the second respondent. The petitioner further states that he, along with the owner of the lorry, filed a petition before the second respondent on 16.09.2017 for release of the seized stock and lorry and an order was passed on 19.09.2017 for release of the seized lorry on furnishing a bank guarantee for Rs.75,000/-. So far as the stock is concerned, no orders are passed though five weeks have been elapsed from the date of filing of the petition. Challenging the same, the present Writ Petition is filed.

A perusal of the order dated 19.09.2017 shows that the second respondent did not consider the petition of the petitioners for release of the seized stock. Since the petition of the petitioners was not disposed of, but an order was passed on 19.09.2017 for sale of the stock, this Court is constrained to set aside the impugned order dated 19.09.2017 and remand the matter to the second respondent to consider the petition of the petitioners dated 16.09.2017, and to pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

26.10.2017
Pln

(A.RAMALINGESWARA RAO, J)