

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34745 of 2017

ORDER:

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

It is the case of the petitioner that the stock of 400 quintals of Masoori rice was confiscated by the District Collector, Bheed District, Maharashtra, and the same was put to public auction on 17.07.2017. In the said public auction, the vendor of the petitioner – Sri Siddhayappa Traders, Sholapur, purchased the rice and sold the same to the petitioner under invoice Nos.405, 406 and 407 dated 26.08.2017. The release order issued by the Collector, Bheed District, was handed over by the vendor of the petitioner to the petitioner stating that the stock of 200 quintals of Masoori rice was sold to the petitioner on 26.08.2017 and another 200 quintals was sold to the petitioner on 28.08.2017. After the said purchase, the petitioner brought the rice to Zaheerabad and stored the same in Qayyum godown located opposite to Mungi Company at Zaheerabad, Sangareddy District. While so, on 21.09.2017 the third respondent and his staff raided the said godown and seized the stock of Masoori rice along with the Bolero vehicle bearing No.TS 08 UA 1397 from the godown under the cover of panchanama on the ground that the petitioner purchased the PDS rice and stored the same in the godown. A show cause notice was issued to the petitioner on 26.09.2017 and the

proceedings are pending. The second respondent passed an order on 26.09.2017 directing the Tahsildar, Zaheerabad Mandal, to take over the custody of the seized stock and conduct open auction. After the said order, the petitioner filed an application on 12.10.2017 seeking release of the seized stock and the vehicle along with explanation and when no orders were passed on the said application, the present Writ Petition is filed.

Admittedly, the proceedings are pending before the second respondent under Section 6A of the Essential Commodities Act. It is not known whether the seized stock is PDS rice or the rice alleged to have been purchased by the petitioner from his vendor who purchased it in the open auction alleged to have been conducted by the District Collector, Bheed District, Maharashtra State. The matter has to be enquired into.

Since the show cause notice was issued on 26.09.2017 and the proceedings are pending, the second respondent is directed to complete the proceedings as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order. As the goods are not perishable and the petitioner is willing to furnish the bank guarantee for the seized stock and the vehicle, the second respondent shall release the seized stock and the vehicle on the petitioner furnishing appropriate bank guarantee for the value fixed by the second respondent, and also by taking the samples of the seized stock and imposing usual conditions relating to vehicle for the

purpose of enquiry now pending. The second respondent shall release them within a period of fifteen days from the date of furnishing the bank guarantee by the petitioner. It is needless to observe that in view of the present order, there shall not be any sale of the seized stock.

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

20.10.2017

Note: Issue C.C in three days.

B/o.

vs

(A.RAMALINGESWARA RAO, J)

