

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42493 OF 2017

ORDER:

This writ petition is filed challenging the seizure of stocks dated 21-09-2017, orders dated 22-11-2017 and modification order dated 08-12-2017, wherein and whereby the 2nd respondent has directed sale of seized stocks.

Learned counsel for the petitioner submits that the respondent-authorities have no power to seize the stocks as A.P.Schedule Commodities Dealers (L&SR) Order,2008 is not applicable in respect of paddy and rice from 01-12-2014 in view of letter of Government of Andhra Pradesh in CCS Reference No.P1(3)/1831/2014, dated 09-04-2015 and letter dated 27-03-2015 in File No.811/02/2015-BCR&E issued by Government of India and though the petitioner made representation on 03-12-2017 for release of seized stocks, without considering the same, impugned orders of sale have been passed.

On the other hand, learned Government Pleader for Civil Supplies submits that under the provisions of A.P. Rice Procurement (Levy) order, the authorities have power to seize the stocks and the petitioner has not supplied 38 ACKs of paddy , as such action has been taken.

It is to be seen that before passing impugned order dated 08-12-2017, the respondents could have considered the representation of the petitioner dated 03-12-2017.

Since the representation of petitioner is still pending, it is open for the petitioner to raise all his objections before the 2nd respondent and the 2nd respondent is directed to consider the same and pass orders thereon. Till the disposal of said representation, there shall be stay of sale of seized stocks. However, the 2nd respondent is also directed to conclude the enquiry under Section 6-A of the Essential Commodities Act as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order. It is open for the respondents to take appropriate action in accordance with law, if the petitioner does not supply the balance rice.

With the above directions, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

15-12-2017

Note:

Issue CC by Monday.

B/o.

Nvl



