

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP. No.24433 of 2018

O R D E R:

Petitioner's grievance is that the officials of the A.P. Civil Supplies Corporation along with 3rd respondent came to his rice mill on 18.05.2018 at about 11.00 a.m., conducted a panchanama and seized large quantities of rice, i.e., broken rice and mixed rice, along with paddy under said panchanama; a case in Crime No.146 of 2018 was also registered on 19.05.2018 for offences punishable under Section 420 of IPC read with Section 7A of the Essential Commodities Act, 1955 (for short 'the Act'); the 3rd respondent forwarded a report under Section 6A of the Act to the 2nd respondent to confiscate the seized stocks in favour of the Government; petitioner filed objections thereto on 19.05.2018 and 01.06.2018; petitioner also filed W.P.No.19213 of 2018 before this Court; and when the same is pending, an interim disposal order has been passed on 28.06.2018 by the 2nd respondent, which is unwarranted.

2. Counsel for petitioner contends that the seized stocks are not likely to get damaged if the enquiry under Section 6A is completed by the 2nd respondent within a reasonable time and pending conclusion of the enquiry under Section 6A, the seized stocks may not be sold in public auction as directed in the interim disposal order passed on 28.06.2018 by the 2nd respondent.

3. The Government Pleader for Civil Supplies appearing for respondents does not dispute that the seized stock is not likely to deteriorate in quality or get damaged within a reasonable time.

4. Therefore, the Writ Petition is disposed of directing the 2nd respondent to complete the proceedings under Section 6A of the Essential Commodities Act, 1955 within a period of two (02) months from the date of receipt of a copy of this order; and pending completion of said proceedings, the seized stocks shall not be sold. Petitioner undertakes to cooperate in all respects with the early disposal of the proceedings under Section 6A of the Act. No order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

17th July, 2018.

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