

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.47141 of 2018

ORDER:

It is the case of the petitioner that the District Civil Supplies Officer (DCSO) has conducted inspection of the petitioner's rice mill viz., M/s Varalaxmi Para Boiled Rice Mill Private Limited, on 23.07.2015 and as there was variation of stock, the rice mill was sealed and proceedings were initiated against the petitioner before the authorities which culminated with a direction to confiscate a part of the seized stock. Aggrieved thereby, the partner of the petitioner's rice mill filed a criminal appeal before the Principal District and Sessions Judge in CrI.A.No.32 of 2016 and the confiscation order came to be modified by directing the petitioner to pay the cost of 15% of variation stock amounting to Rs.4,37,440/-. It is alleged that on 28.08.2016, the Assistant Civil Supply Officer, Mahabubnagar, conducted inspection for the second time and registered another case against the petitioner and locked the rice mill. It is stated that on the representations made by the petitioner, the 2nd respondent has released the seized stocks, however, the rice mill is still locked and the petitioner is not being permitted to carry on the business.

2. When the matter is taken up, learned Government Pleader has placed on record the written instructions furnished by the DCSO and submitted that while dealing with various allegations made by the petitioner and narrating the entire episode leading to seizure and proceedings before the authorities, the DCSO had stated as under:

"In this regard it is submitted that in Panchanama and Statement recorded by the then deputy Tahsildar Shadnagar (Enforcement) Wanaparthi & Kothakota of District Collector, Mahaboobnagar District (the then) has not mentioned about the Key of the said rice mill i.e., M/s Vara

Laxmi Para Boiled Rice Mill, Kadthal Village Amangal Mandal. As such, the question of handing over the said key of the above said mill does not arise.

It is further submitted that the petitioner i.e., Sri G. Yadaiah has represented on 16-07-2018 before the District Collector, Ranga Reddy District to pay the damage and loss amount. Further, it is submitted that it was mentioned in a case law V. Rami Reddy & others Vs. Joint Collector, Nellore in W.P.No.15213/88 of Hon' ble High Court that "No Right to claim damages for any deterioration in the value of paddy : The Inspector of Police, Vigilance Cell seized paddy belonging to the petitioners from the godown of defunct Rama Rice Mill at Old Kodur Village in Nellore District, petitioners filed writ petition seeking to declare the action of the Joint Collector in directing the sale of the seized paddy belonging to the Agriculturist (i.e., the petitioners) as illegal and without jurisdiction. Hon' ble High Court ordered that the 6-A cases be disposed at the earliest and that until final orders are passed under 6-A, the seized paddy shall not be sold. In case there is any deterioration in the value of paddy, the petitioners shall not have right to claim damages. No bar to conduct enquiry under 6-A Govt. not responsible for any loss / deterioration."

In the light of the stand taken by the respondents that there was never seizure of the rice mill, without expressing any opinion with respect to the damage portion which has been dealt by the DCSO, the petitioner is at liberty to open the rice mill subject to he being the owner. So far as the contention of the petitioner that he is not being permitted to run the rice mill is concerned, as the same is not the subject matter of the writ petition, no orders can be made in this behalf. It is open to the petitioner to approach the authority concerned for grant of permission to carry on the business in accordance with law.

The writ petition is disposed of accordingly. No costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

04th January, 2019
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