

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.3998 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for respondents 1 to 3.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus by declaring the inaction of the respondents 2nd to 4th mainly the respondent No.2, who proceedings the file Under guise of 6-A of EC Act vide proceedings NO.CS1/391/2019 on the non PDS Rice of measured quantity of 2295 Tones but shown as 20 Tones contra to the reality alleging that basing on the respondent No.4 who foisted the false case U/Sec.420, 406 IPC, 7 EC Act without the ground reality as well as not considering the representation Dated 6-1-2020 made to the 2nd respondent is illegal, improper, injustice, arbitrary, unconstitutional, violation of the Rules and Act and GO, CONSEQUENTLY direct the respondents 2 to 3 to release the quantity of rice 2295 Tones but shown as 20 Tones contra to the actually measured by the 4th respondent which is illegal custody of the respondent No.2 and 3 and to pass such other order or orders this Hon'ble Court may deem fit, just and proper in the circumstances of the case.'

3. During the course of hearing, the learned Government Pleader placed on record the letter in Lr.No.CS1/343/2019 dated 24.02.2020 addressed by the District Civil Supply Officer, Nalgonda, to the office of the Government Pleader (Civil Supplies) of this Court.

4. From the perusal of the said letter, it is evident that, on 28.06.2019, on receipt of credible information, the Police Department officials have caught the lorry bearing No.TS 05 UC 3959, which was

carrying 200 quintals of PDS rice, and the driver left the vehicle and ran away from the spot. When informed to the RI (CS), Nalgonda, he has proceeded to Narketpally Police Station and conducted panchanama duly registering 6-A case and the same was seized and the vehicle was handed over to Station House Officer, Narketpally, for safe custody until further orders. The seized PDS rice was handed over to MLS Point, Nalgonda, for safe custody. The case was called on 26.10.2019 for hearing. The petitioner, who was absconding in the case, has not approached the office for release of the stocks. The driver of the lorry, M.Chandra Shekar, who appeared, stated that he kept the lorry on rent only and he is no way concerned with the stocks present in the lorry and requested to release the lorry. Subsequently, the stocks were disposed of in open auction on 13.08.2019 at Rs.17/- per Kg. and remitted an amount of Rs.3,40,000/- in the shape of challan bearing No.0000014239, dated 20.08.2019. In the said letter, it is also mentioned that when the vehicle was caught on 28.06.2019, neither the driver nor the petitioner was available in the spot to book a case or to enable the authorities to issue notice in the present case to represent the matter. However, the petitioner surprisingly after six months approached the office of the third respondent for release of the seized stocks. It is also further mentioned in the said letter that the petitioner after 22 days has voluntarily surrendered before the Narketpally Police Station and confessed that he is guilty in the case. Accordingly, a charge sheet was filed in the Court of Judicial Magistrate of First Class, Nalgonda.

5. It is also further specifically mentioned in the letter that the petitioner, who is a resident of Miryalaguda, is a regular offender of doing PDS recycling business and nearly seven 6-A cases were booked on the

petitioner and he is the default Raw Rice Miller for the Rabi 2014-15 for not submitting CMR to the Government and nearly Rs.2.75 crores value of the Government paddy was used for his own and in that connection, a criminal case was filed and RR Act was invoked on the petitioner. It is further mentioned that a notice will be issued to the petitioner for his personal appearance before the Collector (CS) and the matter will be finalised after hearing the petitioner in person as per the procedure and the material available on record.

6. *Per contra*, learned counsel appearing for the petitioner specifically submits that no notice had been issued to him.

7. Be that as it may, since it is brought to the notice of this Court in the above said letter that the seized stocks were disposed of in open auction on 13.08.2019 itself, this Court is of the opinion that no further cause would survive in the writ petition.

8. Accordingly, the writ petition is closed. However, liberty is given to the petitioner to seek appropriate remedies available to him as per law before the concerned authorities. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date: 27.02.2020

PGS