

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 23205 OF 2020

Between:

PK Mallappa, S/o. Sandappa, Aged about 41 years, R/O, Vaddar Galli, Kondagal
Village and Mandal, Mahbubnagar, Telangana.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Consumer
affairs, Food and Civil Supplies Secretariat Buildings, Hyderabad.
2. The Collector, (Civil Supplies) Vikarabad District, Vikarabad.
3. The Deputy Tahildhar, Enforcement, Office of the District supplies Officer,
Vikarabad, Vikarabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be pleased
to issue an appropriate writ, order or direction more particularly one in the nature
Writ of Mandamus, declaring the seizure of the 138 quintals of rice of the petitioner
basing on the panchnama conducted on 11/11/2020 by the respondents, as illegal,
arbitrary, improper and without power or authority under law

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in
the affidavit filed in support of the petition, the High Court may be pleased to direct
the respondents to release the seized stocks of 138 quintals of rice to the petitioner
basing on the panchnama conducted on 11/11/2020 by the 3rd respondent pending
disposal of the above writ petition

Counsel for the Petitioner: SRI K. RATHANGA PANI REDDY

Counsel for Respondents: GP FOR CIVIL SUPPLIES

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.23205 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies Department.

It is the case of the petitioner that the petitioner is doing business in purchasing the paddy from the farmers and after milling the same to rice, he used to sell the rice to the shops in the market.

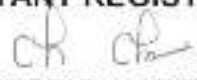
While so, on 11.11.2020, the 3rd respondent came to the shop of the petitioner and seized 138 quintal of rice vide panchanama dated 11.11.2020 on the allegation that the rice is PDS rice and also booked a case against the petitioner.

Having considered the respective submissions made by the learned counsel, inasmuch as enquiry under Section 6-A of the Essential Commodities Act and the criminal prosecution before the criminal Court is yet to commence, pending enquiry of the proceedings, the petitioner doing business in purchasing and selling of pulses and in the light of the submission of the learned counsel for the petitioner that there is no specification about the PDS commodities either in the Essential Commodities Act or in the Control Orders, none can identify whether it is PDS rice or not and there is no restriction of movement of paddy and rice and that no useful purpose would be served in keeping the stocks idle, pending enquiry, the 2nd respondent -Collector (Civil Supplies), Vikarabad District, shall release the seized stocks on furnishing 50% of bank guarantee/third party security to the value thereof by the petitioner. The release of seized stock is in view of the situation existing on account of COVID-19 and the same shall be subject to the orders to be passed in the enquiry under Section 6-A & 7 of the Essential Commodities Act.

Subject to the above, the writ petition is disposed of. No costs.
Miscellaneous petitions, if any pending, shall stand closed.

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SD/-M.RAMANA KRISHNA
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Consumer affairs, Food and Civil Supplies, State of Telangana Secretariat Buildings, Hyderabad.
2. The Collector, (Civil Supplies) Vikarabad District, Vikarabad.
3. The Deputy Tahildhar, Enforcement, Office of the District supplies Officer, Vikarabad, Vikarabad District.
4. One CC to Sri K Rathanga Pani Reddy Advocate [OPUC]
5. Two CCs to GP for Civil Supplies, High Court for the State of Telangana [OUT]
6. Two CD Copies

MBC



HIGH COURT

DATED: 21/12/2020



ORDER

WP.No.23205 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

*8^{ssv} copies
Dt-28/12/2020*