

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

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

**PRESENT
THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO: 15408 OF 2021

Between:

Venkata Ramana Rao @V.R. Babu, S/o, V.S.P. Rao, Aged about 55 years, Occ
Business, Fair Price Shop Dealer No.13, Jannepally Village, Navipet (M), Nizamabad
Dist.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Civil Supplies Dept,
Secretariat, Hyderabad 500022, Telangana
2. The Joint District Collector, Nizamabad, Nizamabad Dist. Telangana.
3. The Revenue Divisional Officer, Nizamabad, Telangana.
4. Mandal Revenue inspector, Navipet (M), Nizamabad Dist. Telangana
5. The Dy. Tahsildar, (Enf) Navipet (M), Nizamabad Dist. Telangana.

...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 a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 3rd respondent in issuing the 6A proceedings against the petitioner just based on the allegations of the inspecting authority and ordering the Confiscation of 100% value of the stock and to imposed a penalty of three times the difference the market rate and public distribution system rate of the commodity which was diverted (5.22 Qtls of rice, i.e, worked out to Rs. 32886=00), from Fair Price Shop Dealer No.13, Jannepally Village, Navipet (M), Nizamabad Dist, as illegal, arbitrary and contrary to the provisions of the Essential Commodities Act and against the principals of natural justice and consequently direct the 3rd respondent to continue the petitioner as Fair Price shop No.13 Jannepally Village, Navipet (M), Nizamabad Dist by setting aside order in Case. No. CS6/260/2014, dt. 03/11/2014 passed by the Respondent. No.2.

IA NO: 1 OF 2021

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 3rd respondent to continue the petitioner as Fair Price Shop No.13 Jannepally Village, Navipet (M), Nizamabad Dist by setting aside order Case. No. CS6/260/2014, dt. 03.11.2014 passed by the Respondent. No.2.

Counsel for the Petitioner : SRI PARIMALA PARIGI

Counsel for the Respondent Nos.1 & 2 : GP FOR CIVIL SUPPLIES

Counsel for the Respondent Nos.3 to 5 : GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.15408 OF 2021

ORDER:

1 It is the case of the petitioner that upon certain irregularities committed by the petitioner the civil supplies authorities / Joint Collector has passed order of confiscation confiscating 100% value of the seized stock in favour of the Government in 6A proceedings dated 03.11.2014. The same was challenged by the petitioner by way of an appeal under Section 6-C of the E.C. Act before the Sessions Judge. The learned District and Sessions Judge, Nizamabad by judgment dated 08.4.2015 dismissed the said appeal. Hence the present Writ Petition.

2 The present Writ Petition is filed only assailing the order of the Joint Collector. But the judgment of the District and Sessions Judge is not under challenge. Since the judgment of the appellate authority is not challenged, it is not for this Court to decide the matter under Article 226 of the Constitution of India.

3 Accordingly, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition, shall also stand dismissed.

**SD/-B.SATYAVATHI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. One CC to Sri Parimala Parigi, Advocate [OPUC]
2. Two CCs to GP for Civil Supplies, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CCs to GP for Revenue, High Court for the State of Telangana, Hyderabad (OUT)
4. Two CD Copies
5. One Spare Copy

Kj.

plp



HIGH COURT

DATED:08/07/2021



ORDER

WP.No.15408 of 2021

DISMISSING THE WRIT PETITION
WITHOUT COSTS.

17/07

8