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

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 33662 OF 2024

Between:

Jannu Anil, S/o Anandam, Aged about 44 years, Occ : Business, R/o H.No.11-23-1891, LB Nagar, Warangal Town, Warangal District.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Civil Supplies and Essential Commodities Department, Dr.B.R. Ambedkar Secretariat Buildings, Tank Bund, Hyderabad.
2. The District Collector, Karimnagar, District Karimnagar.
3. The Joint Collector, (Civil Supplies), Karimnagar, Karimnagar District.
4. The Tahasildar, Manakondur, Karimnagar District.
5. The Station House officer, Manakondur, District Karimnagar.

.....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 action of the respondents in not considering the petitioner representation Dated 09.11.2024 for release of 299 Quintals of rice seized by way of confession and panchanama Dated 10.07.2024 in connection with Cr. No. 305/2024 Dated 05.07.2024 for the offence U/Sec. 318 (4) BNS and Section 7(A) of Essential Commodities Act 1955 on the file of Police station Manakondur, Karimnagar District.

I.A.NO:1 OF 2024

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 forthwith release of 299 Quintals of rice seized by way of confession and panchanama Dated 10.07.2024 in connection with Cr. No. 305/2024 Dated 05.07.2024 for the offence U/Sec. 318 (4) BNS and Section 7(A) of Essential Commodities Act 1955 on the file of Police station Manakondur, Karimnagar District pending disposal of the above writ petition.

Counsel for the Petitioner : SRI PRAVEEN KUMAR VEERJALA

Counsel for the Respondent Nos.1 to 4 : GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.5 : GP FOR HOME

The Court made the following ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.33662 OF 2024

O R D E R

In this Writ Petition, the petitioner is seeking disposal of his representation dt.09.11.2024 for release of 299 quintals of rice seized by way of a panchanama dt.10.07.2024 in connection with Crime No.305 of 2024 dt.05.07.2024 for the offence under Section 318 (4) of BNS and Section 7(A) of the Essential Commodities Act, 1955 on the file of Police Station Manakondur, Karimnagar District and to pass such other order or orders.

2. Learned counsel for the petitioner submits that the seizure of the rice from the possession of the petitioner has been without any verification as to whether the said rice is PDS rice and therefore, it is bad in law and that the petitioner has made a representation on 09.11.2024 for release of the rice but the same has not been considered so far. He placed reliance upon the orders of this Court in W.P.No.19645 of 2024 dt.23.07.2024, wherein this Court directed the

respondents therein to release the seized stock of rice subject to the condition of the petitioner therein furnishing immovable property as security equivalent to the value thereof, if the stocks have already not been disposed of by way of interim sale so far and also subject to outcome of the confiscation proceedings under Section 6-A of the Essential Commodities Act, 1955. The learned counsel for the petitioner prayed that similar relief be granted in this case also.

3. Learned Government Pleader for Civil Supplies has obtained written instructions, according to which, a show-cause notice has been issued to the petitioner calling for his explanation as to why action should not be initiated under Section 6-B of the Essential Commodities Act, 1955 and the petitioner has not submitted any written explanation and only one respondent, i.e., Thadaka Sathish has appeared for personal hearing on 09.08.2024 and therefore, the Collector (CS), Karimnagar has issued orders dt.09.08.2024 duly confiscating 100% of the seized stock in favour of the Government. It is also stated that a penalty of Rs.40,000/- was imposed on the seized lorry and the owner of the lorry

has remitted the said penalty amount and requested for release of the vehicle and the vehicle has accordingly been released.

4. Learned counsel for the petitioner, however, submitted that no notice was given to the petitioner and no opportunity was given to him to make his submissions against the proceedings under Section 6-A of the Essential Commodities Act, 1955 and even the order dt.09.08.2024 confiscating 100% of the stocks has not been served on the petitioner.

5. Having regard to the above submissions, this Court finds that in the written instructions, there is no reference to any date on which the order of confiscation has been served on the petitioner. Therefore, this Court deems it fit and proper to direct the respondents to dispose of the representation of the petitioner dt.09.11.2024 within a period of two weeks from the date of receipt of a copy of this order and till such time, the seized stock which has been confiscated *vide* orders dt.09.08.2024 under Section 6-A of the Essential Commodities Act, 1955 shall not be put to sale.

6. With the above directions, the Writ Petition is disposed of. No order as to costs.

7. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Civil Supplies and Essential Commodities Department, Dr.B.R. Ambedkar Secretariat Buildings, Tank Bund, State of Telangana at Hyderabad.
2. The District Collector, Karimnagar, District Karimnagar.
3. The Joint Collector, (Civil Supplies), Karimnagar, Karimnagar District.
4. The Tahasildar, Manakondur, Karimnagar District.
5. The Station House Officer, Manakondur, District Karimnagar.
6. Two CCs to GP FOR CIVIL SUPPLIES, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI PRAVEEN KUMAR VEERJALA, Advocate [OPUC]
9. Two CD Copies

SA
GJP

HIGH COURT

DATED:04/12/2024



ORDER

WP.No.33662 of 2024

DISPOSING OF THE W.P

WITHOUT COSTS.

PA

18/1/25

13 Copies