

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

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 35945 OF 2024

Between:

MK Trading Co Represented by its Proprietor Rahim Khan, S/o: Gulabkhan,
Aged about 57years, Occ: Business, R/o Gram Panchayath No.45/6-25/2,
Main Road Opposite Mini Vidhan Soudha Beedar Road Town, Humnabad,
Beedar District Karnataka State 585418

...PETITIONER/OWNER OF THE STOCK

AND

1. The State of Telangana, Rep.by its Principal Secretary, Consumer Affairs,
Food and Civil Supplies T. S Secretariat Buildings, Hyderabad
2. The Additional Collector, (CS) Medchal Malkajgiri District
3. The Assistant Civil Supply Officer, Medchal Malkajgiri District
4. The Deputy Tahsildar, (CS),Dundigal, Medchal Malkajgiri District
5. The Station House officer, Cyberabad Commissionerate, Dundigal P.S.
Medchal Malkajgiri 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 of WRIT OF MANDAMUS declare the seizure of 25,375 K G s of Rice of the petitioner basing on the Crime and Confession and Seizure panchanama dated 08-12-2024 is illegal, improper and Without any power or authority under law and violation of Articles, 19(1)(g) of the Constitution of India

IA 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 release the seized stocks of 2 5, 3 7 5 K G s of Rice, to the petitioner under cover of Crime, Confession and Seizure panchanama dated 08.12.2024 pending disposal of the main Writ petition.

Counsel for the Petitioner: M/S. C. SUNITHA KUMARI

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

Counsel for the Respondent No.4: GP FOR HOME

The Court made the following: ORDER

1

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.35945 OF 2024

ORDER

This Writ Petition arises out of the proceedings dt.08.12.2024, wherein under a cover of panchanama, 25,375 kgs. of rice of the petitioner has been seized and a case in Crime No.1036 of 2024 dt.08.12.2024 on the file of Dundigal Police Station, Cyberabad District has been registered. The petitioner is seeking interim release of the stock of rice subject to confiscation proceedings under Section 6-A of the Essential Commodities Act, 1955 issued by the authorities.

2. Learned counsel for the petitioner submits that the petitioner purchased 97 metric tons of rice in E-auction conducted by FCI of Karnataka State on 20.11.2024 and out of it, it sold 25,375 kgs., to Jay Gurudev Rice and Pulse Mill, Khambhat, Gujarat State and when the same was being transported to Gujarat by lorry bearing No.KA 56 0461, the authorities intercepted the lorry and seized the stock of rice. It is submitted that the subject rice under transportation is not PDS rice and

under a misconception that it is PDS rice, the same has been seized by the authorities.

3. Having regard to the fact that the rice which was under transportation was seized by the authorities and the proceedings under Section 6-A of the Essential Commodities Act, 1955 have already been initiated against the petitioner and the said proceedings are likely to take some time for conclusion and the rice is likely to get damaged because of such time lapse, this Court is inclined to grant interim custody of the rice which was seized by the authorities on terms. The respondents are directed to release the stock of rice which was seized by the authorities subject to the condition of the petitioner furnishing immovable property security in Telangana equal to the value of the stock of rice which has been seized by the authorities, to respondent No.2-Additional Collector (Civil Supplies), Medchal Malkajgiri District. The release of the stock of rice shall be subject to the outcome of the confiscation proceedings under Section 6-A of the Essential Commodities Act, 1955 which have been initiated against the petitioner.

4. The Writ Petition is accordingly disposed of. No order as to costs.

5. Pending miscellaneous petitions, if any, in the Writ Petition shall stand closed.

SD/-T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To,
1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies T. S Secretariat Buildings, The State of Telangana, Hyderabad
 2. The Additional Collector, (CS) Medchal Malkajgiri District
 3. The Assistant Civil Supply Officer, Medchal Malkajgiri District
 4. The Deputy Tahsildar, (CS), Dundigal, Medchal Malkajgiri District
 5. The Station House officer, Cyberabad Commissionerate, Dundigal P.S. Medchal Malkajgiri District
 6. One CC to M/s. C. Sunitha Kumari, Advocate [OPUC]
 7. Two CCs to GP for Civil Supplies, High Court for the State of Telangana, at Hyderabad [OUT]
 8. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad [OUT]
 9. Two CD Copies

T J
BS

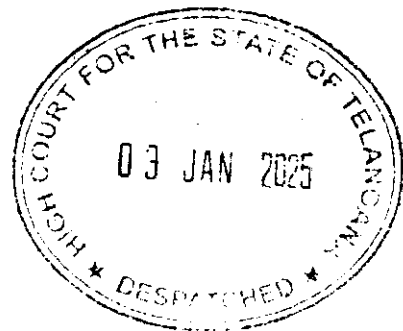
HIGH COURT

CC TODAY

DATED:31/12/2024

ORDER

WP.No.35945 of 2024



DISPOSING THE WRIT PETITION
WITHOUT COSTS

13
4.1
3/1/25