

**HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION No.2700 of 2020**

**ORDER:**

Heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies. At their request, the Writ Petition is being disposed of.

The action of respondent No.2, in issuing proceedings dated 11.01.2021 directing respondent No.3 to take possession of seized stock of 200 quintals and dispose of the same through public auction and remit sale proceeds into revenue deposits pending finalisation of 6-A proceedings, is questioned in the Writ Petition as being illegal and arbitrary.

Petitioner claims to have been carrying on wholesale business of rice in the name and style of M/s.Rajeswari Rice Traders; during the course of business, he purchased paddy from the farmers and milled the same in rice mill; he hired lorry bearing No. AP 27 X 4995, loaded 400 bags of rice (50 Kgs. each) and consigned to Sri Srinivasa Poultry, Dwarampudi; when the vehicle reached Kesavaraju Kunta, a check was exercised and seized the vehicle along with rice viz. 400 bags and initiated proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') and registered Crime No.534 of 2020.

Learned Counsel for the petitioner submits that the subject rice is not PDS rice and that the petitioner filed a petition dated 02.12.2020 before respondent No.2 seeking

release of the stock and without passing any orders on the same, respondent No.2 passed the impugned order directing respondent No.3 to remit the sale proceeds after disposal of the seized stock through public auction. Learned Counsel submits that the petitioner is ready to furnish immovable property security for the value of the seized stock and would be bound by the orders that would be passed in proceedings under Section 6-A of the Act.

In the circumstances, the petitioner shall be given interim custody of the seized stock subject to furnishing immovable property security to the value of the stock seized, if the stock is not yet sold as on date. The release of the stock would be subject to further orders that would be passed in proceedings, under Section 6-A of the Act, initiated against the petitioner.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

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**KONGARA VIJAYA LAKSHMI, J**

Date:04.02.2021  
 Note:CC tomorrow  
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