

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)



THURSDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO: 13104 OF 2022

Between:

Repudi Ravi Teja, S/o Seshagiri Rao, aged 27 years, Occ M.D.U, Operator, R/o Christianpet, Sattenapalli Town and Mandal, Palanadu District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Velagapudi, Guntur District.
2. The Joint Collector, (VWS and D) District Scheduled Castes Service Co-operative Society Ltd., Guntur District.
3. The Revenue Divisional Officer Sattenapalli, Palanadu District.
4. The Tahsildar, Sattenapalli Mandal, Palanadu District.

Respondent

WHEREAS the Petitioner above named through his Advocate Sri D Krishna Murthy presented this 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 of Mandamus or any other appropriate Writ Order or direction, declaring the action of the respondents in detaining the MDU vehicle AP 39TR 7149 and stopping supply essential commodities to petitioner without there being either suspension or cancellation of his appointment as MDU Operator as illegal, arbitrary and is violation of Principles of natural justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri D Krishna Murthy, Advocate for the Petitioner and GP for Civil Supplies for Respondents, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The Joint Collector, (VWS and D) District Scheduled Castes Service Co-operative Society Ltd., Guntur District.
3. The Revenue Divisional Officer Sattenapalli, Palanadu District.
4. The Tahsildar, Sattenapalli Mandal, Palanadu District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 16.06.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release the MDU Vehicle AP 39TR 7149 and supply essential commodities to the petitioner, pending disposal of WP No. 13104 of 2022, on the file of the High Court.

The Court made the following;

ORDER:

"Notice before admission.

This Writ Petition is filed questioning the action of the respondents in detaining MDU vehicle AP 39 TR 7149 and not supplying essential commodities to

the petitioner without there being any suspension or cancellation of his appointment as MDU Operator as illegal and arbitrary.

The case of the petitioner is that he was selected and appointed as MDU Operator on 16.01.2021. On 14.09.2021, on suspicion that the petitioner was diverting the rice into black market, 40 bags of rice, which are available in the vehicle, were seized but the vehicle was not seized. The Tahsildar, Satenapalli and Civil Supplies Deputy Tahsildar, Sattenapalli took custody of the MDU vehicle and kept in the office of the Tahsildar, Sattenapalli and the petitioner came to know that the respondents have given the subject vehicle to another person and the petitioner's appointment as MDU Operator was neither cancelled nor suspended. A case under Section 6-A of the Essential Commodities Act was registered against the petitioner and without there being any order of suspension, supply of the commodities was stopped to the petitioner. Hence, the present Writ Petition.

When the matter came up for admission on 04.05.2022, the learned Assistant Government Pleader requested time to get instructions. Today, he submits that he has not received any instructions from the respondents.

Copy of the notice issued to the petitioner under section 6-B of the Essential Commodities Act, 1955 dated 23.10.2021 is filed along with the Writ Petition. As seen from the said notice, the notice was issued to the petitioner to show cause as to why the seized stocks should not be confiscated to the Government and the vehicle is not at all mentioned in the said notice. As seen from the panchanama, the vehicle was not seized through the said panchanama. The allegation of the petitioner is that vehicle kept in the office of the 4th respondent. As seizure of the said vehicle is not shown in the panchanma and as no notice under section 6-B of the Essential Commodities Act was given to the petitioner to show cause as to why subject vehicle should not be seized, detention of the subject vehicle in the office of the 4th respondent is not warranted.

In view of the facts and circumstances of the case, the petitioner is directed to produce immovable property security for an amount of Rs.5,80,000/- by executing a bond in favour of the second respondent strictly adhering to the Stamps and Registration Laws, on production of such immovable property as security, the second respondent is directed to release the seized vehicle bearing No.AP 39 TR 7149 as an interim custody to the petitioner, within a period of one week, in accordance with law. It is also made clear that the petitioner shall not alienate, mortgage or change the parts of the vehicle during the pendency of the enquiry and interim release of the vehicle is subject to the final order that would be passed under Section 6-A of the Essential Commodities Act.

List the matter on 16.06.2022."

//TRUE COPY//

Sd/-M.Suryanadha Reddy
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The Joint Collector, (VWS and D) District Scheduled Castes Service Co-operative Society Ltd., Guntur District.
3. The Revenue Divisional Officer Sattenapalli, Palanadu District.
4. The Tahsildar, Sattenapalli Mandal, Palanadu District. (1 to 4 by RPAD- along with a copy of petition and Affidavit)
5. One CC to Sri. D Krishna Murthy, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
7. One spare copy.

MSB

HIGH COURT

KVL,J

DATED:05/05/2022

ORDER

LIST THE MATTER ON 16.06.2022

NOTICE BEFORE ADMISSION

WP.No.13104 of 2022

INTERIM DIRECTION

