

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(Special Original Jurisdiction)**

**THURSDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 17505 OF 2022**



Between:

Kotha Kiran Kumar, S/o. Sathyanarayana, Aged about 37 years, R/o. D.No.3-83,
Pillutla Village, Machavaram Mandal, Guntur District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Velagapudi, Amaravathi.
2. The Joint Collector (C.S), Eluru, West Godavari District.
3. The Joint Collector (C.S), Bhimavaram, West Godavari District.
4. The Deputy Tahsildar (C.S), Pedapadu, West Godavari District.'
5. The Deputy Tahsildar (C.S), Tanuku Mandal, West Godavari District.
6. The Station House Officer, Tanuku Town Police Station, West Godavari 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 any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 5 & 6 in seizing the petitioner lorry bearing No.AP-16-TH-1495 and sending the same to respondent No.2 as illegal and without jurisdiction and consequently direct the respondents to release the petitioner lorry bearing Reg.No. AP-16TH-1495 and further direct payment of compensation from respondents 5 and 6 to him for depriving the use of the petitioner lorry by the petitioner for the period from the date of seizure to till date of release in the interest of justice.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed 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 lorry bearing No.AP-16-TH-1495 to the petitioner, pending disposal of WP.No.17505 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the Order of High Court dated 02.08.2022 & 12.08.2022 upon hearing the arguments of Sri Raja Reddy Koneti, Advocate for the Petitioner and GP for Civil Supplies for the Respondent Nos.1 to 4 and GP for Home for the Respondent No.6, the Court made the following

ORDER:

"In compliance of the order of this Court dated 12.08.2022, J.V. Murali, I.A.S., Joint Collector and Additional District Magistrate, West Godavari District, Bhimavaram, who is the 3rd respondent herein, Sri M. Durga Prasad, Civil Supplies Deputy Tahsildar, Tanuku Mandal, West Godavari District and Sri K. Satyanarayana, Assistant Sub-Inspector of Police, Tanuku Town Police Station present before this Court.

On enquiry, the Civil Supplies Deputy Tahsildar (CSDT), Tanuku submits that he is having 38 years service in the Revenue Department. He did not enquire with the CSDT, Pedapadu, who issued the release order dated 25.03.2022 at the time of affecting the seizure of the stock on 26.03.2022 whether the release order is genuine or fabricated. He also stated that the mediators, who signed in the mediators' report drafted on 26.03.2022 are the Village Revenue Officers. He also accepted that he is aware that the respectable persons have to act as mediators.

The Assistant Sub-Inspector of Police, Tanuku Town Police Station submits that he is having 33 years of service in the police department. He went to the scene of offence, where the stock and vehicle was seized, for escort duty. Orally he was called to give escort. On perusal of the mediators' report dated 26.03.2022, it is admitted that this officer conducted inspection and signed on the mediators' report as Inspecting Officer. Admittedly, as per the settled law declared by this Court and as per the executive instructions issued by the Director General of Police, Andhra Pradesh, the Assistant Sub-Inspector cadre officer is not competent authority to conduct inspection and to seize the vehicles or properties under the Essential Commodities Act and the relevant Control Orders made there under.

The Joint Collector, West Godavari District submits that he passed order dated 16.08.2022 wherein 6-A proceedings are dropped in this issue and directed the concerned officers to release the seized stock and vehicle. When this Court asked the Joint Collector to know the reason for not taking the case on file till 11.05.2022 and when the petitioner submitted explanation on 19.05.2022 to the 6-B notice issued on 16.05.2022 why the 6-A proceedings are not concluded till order of appearance of the concerned officer and also to know the reasons for not passing interim disposal order to dispose of the seized stock as provided under the proviso of Section 6A (2) of the Essential Commodities Act, there is no any acceptable explanation from the joint Collector.

Under these circumstances, this Court has to pass appropriate orders against the officers, who conducted inspection illegally and the Joint Collector, who did not discharge his duties properly as a competent authority conferred power under Section 6- A of the Essential Commodities Act.

In the light of the order dated 16.08.2022 passed by the 3rd respondent, dropping the 6-A proceedings against the petitioner, in the considered opinion of this Court, passing of interim order at this stage is not required and in compliance of the order of the Joint Collector, dated 16.08.2022, it is for the concerned officials to release the stock and the vehicle forthwith to the petitioner.

Appearance of the officers present before this Court is dispensed with for the present.

Post the matter on 20.09.2022."

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, Secretariat, Velagapudi, Amaravathi.
2. The Joint Collector (C.S), Eluru, West Godavari District.
3. The Joint Collector (C.S), Bhimavaram, West Godavari District.
4. The Deputy Tahsildar (C.S), Pedapadu, West Godavari District.'
5. The Deputy Tahsildar (C.S), Tanuku Mandal, West Godavari District.
6. The Station House Officer, Tanuku Town Police Station, West Godavari District. (Addressee Nos.1 to 6 by **SPEED POST**)
7. M. Durga Prasad, Civil Supplies Deputy Tahsildar, Tanuku Mandal, West Godavari District (**SPEED POST**)
8. K. Satyanarayana, Assistant Sub-Inspector of Police, Tanuku Town Police Station (**SPEED POST**)
9. One CC to Sri. Raja Reddy Koneti, Advocate [OPUC]
10. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Home, High Court of AP [OUT]
12. One spare copy

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HIGH COURT

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DATED:18/08/2022

NOTE: POST THE MATTER ON 20.09.2022

ORDER

WP.No.17505 of 2022

DIRECTION

