

APHC010404582025



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



THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 20893 OF 2025

Between:

Kandula Jaya Babu,
S/o Uma Maheswara Rao,
Aged about 55 years,
Hindu, Occ : Business,
R/O D.No.3/365- A
Nooruddinpetta, Javvarpeta,
Machilipatnam,
Krishna District, AP.

.....
Petitioner

AND

1. The State of Andhra Pradesh
Rep.by Its Principal Secretary
Consumer Affairs, Food and Civil Supplies
CSI Department, A.P.Secretariat
Velagapudi, Amaravathi,
Guntur District, Andhra Pradesh
2. The Joint Collector (CS),
Machilipatnam, Krishna District, AP.
3. The Special Deputy Tahsildar, (CS),
Machilipatnam Mandal,
Krishna District, AP.
4. The Tahsildar,
Gudur, Machilipatnam,
Krishna District, AP
5. The village Revenue officer,
Gudur, Machilipatnam,
Krishna District, AP
6. The Inspector of Police,
Vigilance and Enforcement (CS),
Vijayawada, Krishna District, A.P

7. The Station House Officer,
Gudur Station,
Machilipatnam,
Krishna District, A.P
8. Garlapati Jagan Mohan Rao
S/o. Radha Krishna Murthy
Owner of M/s. Gomati Rice Mill
Tarakaturupalem Village,
Gudur Mandal, Krishna District, AP
9. Puppala Suri Babu S/o. Brahmam
Owner-cum-Driver of Ashok Leyland Dost
Vehicle bearing No. AP 16TA 7249
R/o. Chilakalapudi, Machilipatnam
Krishna District, AP
10. Siramsetti Srinivasa Rao
S/o. Dharma Rao, owner-cum-driver
Vehicle bearing no. AP 39 TL 6555
R/o. Sukarlabad, Machilipatnam
Krishna District, Andhra Pradesh
11. Chitrada Aravind S/o. Pandu Ranga Rao
Driver of TATA Intra Vehicle bearing No.
AP 39VB 0766, R/o. Naidu Baddi Centre,
Hindu College Backside, Machilipatnam
Krishna District, Andhra Pradesh.
12. Manepalli Chandra Mohan Kumar @ Chinna
S/o. Ranga Rao, R/o. Nijampeta,
Machilipatnam (V) & (M) Krishna District
Andhra Pradesh

..... Respondents

(Petitioners No.8 to 12 are not necessary parties
to the present writ petition)

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, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in passing confiscation proceedings under Section 6-A of EC Act in ECP No.59 of 2025 Dated 08.07.2025 directing the 4th respondent herein to take delivery of the seized stock from the custody of 5th respondent and to dispose of the seized stock by conducting open auction as being highly illegal, arbitrary, contrary to the procedure as contemplated under Essential Commodities Act, 1955 and also violative of Principles of natural justice and consequently to direct the respondents no. 2 to 6 to release the seized stock i.e. 137.50 qtls of rice in 276 bags belonging to the petitioner herein.

IA NO: 1 OF 2025

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 suspend the impugned proceedings in ECP No.59 of 2025 Dated 08.07.2025 issued by the 2nd respondent and direct the respondent No.2 to 6 to release the seized stock i.e., 137.50 qtls of rice in 276 bags belonging to the petitioner pending disposal of the above Writ Petition.

Counsel for the Petitioner: M/s.THOTA SUNEETHA

Counsel for the Respondent No.1: GP FOR CIVIL SUPPLIES

Counsel for the Respondents No.2 to 5: GP FOR REVENUE

Counsel for the Respondents No.6 & 7: GP FOR HOME

Counsel for the Respondents No.8 to 12: None appeared

The Court made the following Order:



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

[3458]

THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 20893 OF 2025

Between:

1. KANDULA JAYA BABU, S/O UMA MAHESWARA RAO, AGED ABOUT
55 YEARS, HINDU, OCC. BUSINESS, R/O D.NO.3/365-A
NOORUDDINPETA, JAVVARPETA, MACHILIPATNAM, KRISHNA
DISTRICT, AP.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY CONSUMER AFFAIRS, FOOD AND CIVIL SUPPLIES
CSI DEPARTMENT, A.P.SECRETARIAT VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT, ANDHRA PRADESH
2. THE JOINT COLLECTOR CS, MACHILIPATNAM, KRISHNA
DISTRICT, AP.
3. THE SPECIAL DEPUTY TAHSILDAR CS, MACHILIPATNAM
MANDAL, KRISHNA DISTRICT, AP.
4. THE TAHSILDAR, GUDUR, MACHILIPATNAM, KRISHNA DISTRICT,
AP
5. THE VILLAGE REVENUE OFFICER, GUDUR, MACHILIPATNAM,
KRISHNA DISTRICT, AP
6. THE INSPECTOR OF POLICE, VIGILANCE AND ENFORCEMENT
(CS), VIJAYAWADA, KRISHNA DISTRICT, A.P
7. THE STATION HOUSE OFFICER, GUDUR STATION,

MACHILIPATNAM, KRISHNA DISTRICT, A.P

8. GARLAPATI JAGAN MOHAN RAO, S/O.RADHA KRISHNA MURTHY
OWNER OF M/S.GOMATI RICE MILL TARAKATURUPALEM
VILLAGE, GUDURU MANDAL, KRISHNA DISTRICT, AP
9. PUPPALA SURI BABU, S/O.BRAHMAM OWNER-CUM-DRIVER OF
ASHOK LEYLAND DOST VEHICLE BEARING NO.AP 16TA 7249
R/O.CHILAKALAPUDI, MACHILIPATNAM KRISHNA DISTRICT, AP
- 10.SIRAMSETTI SRINIVASA RAO, S/O.DHARMA RAO, OWNER-CUM-
DRIVER VEHICLE BEARING NO.AP 39 TL 6555
R/O.SUKARLABAD, MACHILIPATNAM KRISHNA DISTRICT,
ANDHRA PRADESH
- 11.CHITRADA ARAVIND, S/O.PANDU RANGA RAO DRIVER OF TATA
INTRA VEHICLE BEARING NO. AP 39VB 0766, R/O.NAIDU BADDI
CENTRE, HINDU COLLEGE BACKSIDE, MACHILIPATNAM
KRISHNA DISTRICT, ANDHRA PRADESH.
- 12.MAHEPALLI CHANDRA MOHAN KUMAR CHINNA, S/O.RANGA
RAO, R/O.NIJAMPETA, MACHILIPATNAM (V) AND (M) KRISHNA
DISTRICT ANDHRA PRADESH RESPONDENTS (PETITIONERS
NO.8 TO 12 ARE NOT NECESSARY PARTIES TO THE PRESENT
WRIT PETITION)

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.THOTA SUNEETHA

Counsel for the Respondent(S):

- 1.GP FOR HOME
- 2.GP FOR CIVIL SUPPLIES

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**WRIT PETITION NO: 20893 OF 2025****The Court made the following order:**

The writ petition is filed seeking direction to the respondents to release the seized stock i.e. 137.50 qtls of rice in 276 bags belonging to the petitioner.

2. Heard Ms. T.Suneetha, learned counsel for the petitioner and learned Assistant Government pleader for Civil Supplies appearing for the respondents.

3. It is contended that the petitioner is a small trader in rice. On 02.07.2025, when the vehicles carrying the rice bags were stopped at Gomathi Rice Mill for weighing, the 3rd respondent seized the stock belonging to the petitioner, suspecting it to be intended for the public distribution system, alleging that the petitioner attempted to divert it to the black market in contravention of the APSTPDS (Control) Order, 2018. It is further argued that the respondents have also seized the rice mill, without considering the valid invoices and bills sought to be produced by the petitioner. When the petitioner has sought for release of the stock stating that the seized rice is not PDS rice, filed an application before the 2nd respondent, the same was rejected and the 4th respondent was directed to take the delivery of the seized stock from the custody of the 5th respondent and conduct public auction. Hence, the instant writ petition.

4. The learned counsels would submit that similar matter in W.P.No.7713 of 2024 was disposed of by this Court, directing the respondents therein to

release the stock in favour of the petitioner therein on furnishing security and requests that the same order may be passed in the present case also.

5. Perused the record, having regard to the contentions advanced, the writ petition is disposed of in terms of the order passed in W.P.No.7713 of 2024 dated 28.03.2024.

6. In terms of the same, the Writ Petition is disposed of. There shall be no order as to costs.

7. The Registry is directed to append a copy of the order passed in W.P.No.7713 of 2024, dated 01.04.2024 to this order.

As a sequel, all pending miscellaneous applications shall stand closed.

//TRUE COPY//

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary Consumer Affairs, Food and Civil Supplies CSI Department, A.P.Secretariat Velagapudi, Amaravathi, Guntur District, Andhra Pradesh
2. The Joint Collector CS, Machilipatnam, Krishna District, AP.
3. The Special Deputy Tahsildar CS, Machilipatnam Mandal, Krishna District, AP.
4. The Tahsildar, Gudur, Machilipatnam, Krishna District, AP
5. The village Revenue officer, Gudur, Machilipatnam, Krishna District, AP
6. The Inspector of Police, Vigilance and Enforcement (CS), Vijayawada, Krishna District, A.P.
7. The Station House Officer, Gudur Station, Machilipatnam, Krishna District, A.P.

8. One CC to M/s. Thota Suneetha, Advocate [OPUC]
9. Two CCs to GP for HOME, High Court of Andhra Pradesh [OUT]
10. Two CCs to GP FOR CIVIL SUPPLIES, High Court of Andhra Pradesh [OUT]
11. Two CCs to GP for REVENUE, High Court of Andhra Pradesh.[OUT]
12. Two CD Copies

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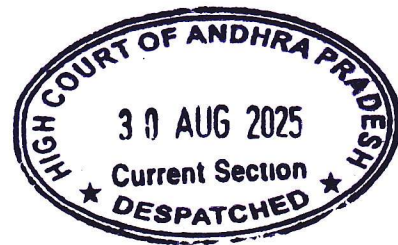
***Along with the copy of the Order passed in W.P.No.7713 of 2024, dated 01.04.2024.**

HIGH COURT

DATED:07/08/2025

ORDER

WP NO. 20893 OF 2025



**DISPOSING OF THE WRIT PETITION WITHOUT
COSTS**

APHC010148712024



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

[3329]

THURSDAY ,THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7713/2024

Between:

Mohansai Manikanta Rice And Generals

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.V SUDHAKAR REDDY

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES (AP)

The Court made the following:

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and perused the material available on record.

2) The case of the petitioner is that the petitioner is the owner of the seized stock and vehicle. The petitioner is doing Rice business. The Respondent Nos.3 and 4 intercepted the petitioner's vehicle at the underpass of Duggirala Village on NH-16 and highhandedly seized the same under the cover of mediators Report dated 02.03.2024 and they also collected the samples to send for analysis.

3) Learned counsel for the petitioner submitted that the petitioner filed a petition dated 11.03.2024 before the Respondent No.2, stating all the facts and requesting him to release the stock as well as the Vehicle. He further submits that the Assistant Manager (Tech), APSCSCL, Eluru has furnished the technical analysis Report dated 11.03.2024, wherein it is clearly reported that the refractions are no way tallied the specified refractions fixed for PDS rice. Therefore, the rice seized cannot be said that it is PDS rice and the Respondent No.2 ought to have released both vehicle as well as the rice unconditionally. But, the Respondent No.2 did not pass any orders till date.

4) Learned counsel further submits that in view of the GOI S.O.No.354(E), dated 29.11.2013, the APSCD(LS&R) Order, 2008 is not applicable in respect of "Paddy" and "Rice" from 01.12.2014. He further submits that the rice was taken out of the Essential Commodities Act by way of an order passed by the Ministry of consumer Affairs, Food and Public Distribution, Government of India, New Delhi in G.S.R.104 (E), dated 15.02.2002 issued in exercise of the powers conferred by Section 3 of the Act. Therefore, the rice is not an essential commodity, hence no action under Sec.6-A of the E.C Act can be initiated. Hence, the Writ Petition.

5) Having heard the respective counsel and upon perusal of the material available on record, it is an admitted fact that subsequent to the seizure of the rice and vehicle, proceedings under Section 6-A are initiated before the 2nd Respondent, who is the competent authority. The illegality and validity of the seizure has to be decided by the 2nd Respondent in 6-A proceedings. This Court is not inclined to interfere into the 6-A proceedings.

6) However, considering the facts and circumstances of the case and in the light of the latest order passed by a Division Bench of this Court in **Onteru Bhaskar vs. State of Andhra Pradesh, represented by its Principal Secretary, Civil Supplies Department and others**¹ in our considered opinion, it is appropriate and reasonable to direct the Respondents to release the seized stock in favour of the petitioner respectively on imposing certain conditions, to protect the interest of the Respondents, pending disposal of the 6-A proceedings.

7) Accordingly, the writ petition is disposed of with the following directions:

(i) The Respondents shall release the seized stock pursuant to the Mediators Report, dated 02.03.2024, in favour of the petitioner on condition of furnishing personal or third party immovable security property equivalent to the value of the seized stock, within a period of two (02) weeks from the date of receipt of a copy of this order.

(ii) Further, directing the petitioner not to alienate the property offered as security in favour of the Respondents, for a period of three months.

(iii) There shall be no order as to costs.

8) As a sequel, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

28th March, 2024.

Note: Issue CC by 01.04.2024

B/o.

Knr

¹ 2022 SCC OnLine AP 348