



**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: 20931 OF 2025

Between:

- 1.M/S SRI LAKSHMI NARASIMHA SWAMY RIEE MILL, REP BY ITS PROPRIETOR, GADI SREENIVASULU REDDY, S/O MALAKONDA REDDY 4-91, CHANDRA SEKHARA PURAM, KODAVALUR (M), SPSR NELLORE DISTRIET.
- 2.ANNAVARAPU MAHANANDA REDDY, S/O LATE VENKATA REDDY, AGED 55 YEARS. OWNER OF LORRY BEARING NO.AP26 TF6426, R/O D.NO.27-7-938, 7TH CROSS ROAD, SARASWATHI NAGAR, NELLORE, SPSR NELLORE DISTRICT, A.P.,.

...PETITIONER(S)

AND

- 1.THE STATE OF A P, REP. BY ITS PRINCIPAL SECRETARY, FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE COLLECTOR CIVIL SUPPLIES, NELLORE, SPS NELLORE DISTRICT.
- 3.THE CIVIL SUPPLIES DEPUTY TAHSILDAR, ATMAKUR, SPS NELLORE DISTRICT.

...RESPONDENT(S):

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 topleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the action of respondent No.3 in

seizing the rejected rice of 1052 bags 25 kgs each, 218 bags 50 kgs each and 85 bags of broken rice belongs to the 1st petitioner and the lorry bearing No.AP26 TF 6426 belongs to the 2nd petitioner under cover of Panchanama dt.08.06.2025 respectively from the petitioner mill and further order of the 2nd respondent passed in Rc.B2.92/2025, dt.29.07.2025, wherein and where under ordered to sell the seized stock through public auction and directing the 2nd petitioner to furnish the bank FDR for an amount of Rs. 10,83,975/- from any Nationalized Bank for a period of 3 years validity for release of the seized lorry bearing No.AP26 TF 6426 as illegal, arbitrary, without any authority of law or jurisdiction and violative of Articles 14 and 19(l)(g) of the Constitution of India and contrary to the provisions of the Essential Commodities Act, 1955 and the Orders made there under and set aside the same and consequently direct the respondents to release the seized stock to the 1st petitioner and lorry to the 2nd petitioner and not to take any action in pursuance of the illegal seizure and pass

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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 stock to the 1st petitioner and the lorry bearing No. AP26 TF 6426 to the 2nd petitioner by suspending the order of the 2nd respondent passed in Rc.B2.92/2025, dt.29.07.2025, pending disposal of writ petition and pass

Counsel for the Petitioner(S):

1.V SUDHAKAR REDDY

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

The writ petition is filed challenging the action of the respondent No.3 in seizing the rejected rice of 1052 bags 25 kgs each, 218 bags 50 kgs each and 85 bags of broken rice belongs to the 1st petitioner and the lorry, bearing No.AP 26 TF 6426, belonging to the 2nd petitioner.

2. Heard Sri V.Sudhakar Reddy, learned counsel for the petitioners and learned Assistant Government pleader for Civil Supplies appearing for the respondents.

3. The petitioner is engaged in the wholesale business of rice. He purchases paddy from the farmers, after processing sells the same to the consumers and the retailers. It is contended that presently, he is purchasing the rice from the millers and the retailers. In the process he purchased rejected quality of rice of 158 bags weighing 25 kgs each, 281 bags weighing 50 kgs each and 82 bags of broken from a trader in Tamilnadu State under valid invoice, similarly purchased another lot of rejected rice of 894 bags weighing 25 kgs each from Tamilnadu State under valid invoice. While the said stock was being at the petitioner's business premises, the 3rd respondent and his staff inspected the premises, suspecting that the rice purchased by the 1st petitioner was PDS rice, seized both the stock and the lorry.

4. It is contended that the respondents seized the lorry in a high-handed manner without verifying the documents produced by the 2nd petitioner. Seeking release of the stock, the petitioners filed an application before the 2nd respondent. The 2nd respondent rejected the petitioners' application without considering the contentions raised by the petitioners and ordered the sale of the same in a public auction. However, he ordered the release of the vehicle on condition that the 2nd petitioner produces an F.D.R. from any nationalized bank for a period of three years for a sum of Rs.10,83,975/-

5. The learned counsel for the petitioner would submit that this Court, in similar situation, disposed of the writ petition in W.P.No.385 of 2025 with the following direction:

“07. Under these facts and circumstances and upon considering the submissions of both the leaned counsels, the writ petition is disposed of with the following directions:

i. The concerned respondent authority is directed to release the stock of the petitioner on furnishing security of immovable property of self or third party equivalent to the value of the seized stock, to the satisfaction of the concerned authority, whereupon the concerned authority shall forthwith intimate the acceptance of the security to the concerned District Registrar/Sub-Registrar for their record purpose.

ii. The concerned respondent authority is directed to release the vehicle bearing No.AP 16 TW 6324 to the petitioner on furnishing separately personal or third party immovable property as security equivalent to the value of the seized stock or the vehicle, as the case may be, to the satisfaction of the concerned authority, with a further undertaking that the property secured shall not be alienated or subjected to any charge over the property, pending disposal of proceedings under Section 6-A of the E.C.Act, whereupon the concerned authority shall forthwith intimate the acceptance of the security and the undertaking to the concerned District Registrar or Sub-Registrar concerned for their record purpose.”

6. Accordingly, the Writ Petition is disposed of in terms of the order passed in W.P.No.385 of 2025. 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.385 of 2025, dated 08.01.2025 to this order.

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

JUSTICE KIRANMAYEE MANDAVA

Date: 07.08.2025

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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