

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE EIGHTEENTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 27252 OF 2023**



Between:

1. M/s. J.K. Rice Traders, Rep. by its Proprietor, K. Jayakrishna, C/o Sri Venkata Seshadri Modern Rice Mill, Vengaiyahgaripalem Road, Binginapallivari Street, Old Town, Kavali, SPSR Nellore District. ✓
2. Ram Reddy, S/o Sidda Reddy, age 37 years, Occ: Business, Owner of lorry bearing No. KA 56 6325, Rio D.No.15, Hunsgera, Homnabad, Bidar, Karnataka State - 585353.

...Petitioners'

AND

1. The State of Andhra Pradesh, Rep. by its Secretary, Food, Civil Supplies and Consumer Affairs Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, Nellore, SPS Nellore District.
3. The Civil Supplies Deputy Tahsildar, Kavali, SPSR Nellore District.
4. The In-Charge, MLS point, Kavali, SPSR Nellore District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in seizing 330.00 Qtls of Grade A paddy and 906.00 Qtls of Grade A raw rice belongs to the 1st petitioner and the lorry bearing No. KA 56 6325 belongs to the 2nd petitioner from Sri Venkata Seshadri Modern Rice Mill, Kavali Old Town, SPSR Nellore District under cover of panchanama, dt.19.03.2023 and further order of the 2nd respondent passed vide Rc.B2.91/2023, dt.11.10.2023 directing to sell the seized stock of 76.600 MTs of rice through public auction and directing the 1st petitioner to furnish bank FDR for an amount of Rs.3,27,200/- for release of 33.000 MTs of Grade A paddy and 17.000 MTs of Grade A rice and further directing the 2nd petitioner to furnish bank FDR for an amount of Rs.2,50,000/- for release of seized lorry bearing No. KA 56 6325 as illegal, arbitrary, without any authority of law or jurisdiction and violative of Articles 14 and 19(1)(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 order of the 2nd respondent dt.11.10.2023 and consequently direct the respondents to release the seized stocks to the 1st petitioner and lorry to the 2nd petitioner and not to take any action in pursuance of the illegal seizure.

IA NO: 1 OF 2023:

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 330.00 Qtls of Grade A paddy and 906.00 Qtls of Grade A

raw rice to the 1st petitioner and the lorry bearing No. KA 56 6325 to the 2nd petitioner by suspending the order of the 2nd respondent passed in Rc.B2.91/2023, dt.11.10.2023, pending disposal of WP.No.27252 of 2023, 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 upon hearing the arguments of Sri V.Sudhakar Reddy, Advocate for the Petitioners and Sri G.Raju, learned Assistant GP for Civil Supplies for the Respondents, the Court made the following;

ORDER:

"Heard Sri V. Sudhakar Reddy, learned Counsel for the Writ Petitioner and Sri G. Raju, learned Assistant Government Pleader for the Civil Supplies.

2. Let Counter Affidavit be filed within two weeks. One week thereafter for filing Rejoinder, if any.

3. The direction given by the Respondent No.2 in the Proceedings bearing Rc.B2.91/2023 dated 11.10.2023 (Ex.P.1) to the extent "The Petition filed by the respondent through his counsel for release of the seized stock of 76.600 MTs of PDs Rice is hereby rejected and it is ordered to sold through Public Auction, in order to avoid deterioration. The Asst. Manager (Technical), O/o the District Manager, APSCSCL, SPS Nellore is hereby ordered to obtain samples from MLS Point In charge, Kavali and send conduct analysis and send report at an early date for taking further action in this regard" is stayed till the next date of listing.

4. List the matter on 09.11.2023."

//TRUE COPY//

**Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR**

For

SECTION OFFICER

To,

1. The Secretary, State of Andhra Pradesh, Food, Civil Supplies and Consumer Affairs Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, Nellore, SPS Nellore District.
3. The Civil Supplies Deputy Tahsildar, Kavali, SPSR Nellore District.
4. The In-Charge, MLS point, Kavali, SPSR Nellore District. (Addressee Nos.1 to 4 by RPAD)

5. One CC to Sri. V.Sudhakar Reddy, Advocate [OPUC]
6. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
7. One spare copy

MM

HIGH COURT

GRKP,J

DATED:18/10/2023

NOTE: LIST THE MATTER ON 09.11.2023

ORDER

WP.No.27252 of 2023

STAY

