

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.6697 of 2022

Order:

This Writ Petition is filed questioning the seizure of 160 bags of raw rice along with lorry bearing registration No.AP 03 TB 2444 under seizure panchanama dated 11.02.2022, the order of the second respondent dated 09.03.2022 directing the third respondent to dispose of the seized stock in public auction and the direction to the second petitioner to deposit an amount of Rs.2,13,750/- for release of the seized lorry as arbitrary and illegal.

The case of the petitioners 1 and 2 is that they are the owners of the seized rice and lorry respectively; first petitioner is dealer in food grains and he purchased paddy and converted it into rice; while he was transporting the same with e-way bills through the subject lorry the same was seized along with lorry on 11.02.2022 alleging that the subject rice is PDS rice; petitioners filed a petition on 14.02.2022 seeking release of the seized rice along with lorry by enclosing all the necessary documents; without taking the same into consideration, the second respondent passed an order on 09.03.2022 ordering confiscation of the seized stock to the Government and directing the Tahsildar to dispose of the seized stock through public auction; he also issued an endorsement on the same day directing the second petitioner to deposit an amount of Rs.2,13,750/- in favour of the Collector (CS) for release of the seized vehicle; questioning the said two orders, the present Writ Petition is filed.

Heard learned counsel for the petitioners and learned Government Pleader for Civil Supplies.

As seen from the proceedings of the Collector which was signed on 09.03.2022, the seized stock is ordered to be confiscated to the Government. Learned counsel for the petitioners contends that no notice under Section 6B of the Essential Commodities Act was issued to the first petitioner before passing the orders confiscating the seized stock. The said proceedings also do not show that any such notice was issued to the first petitioner. When the matter was listed on 16.03.2022, learned Government Pleader was directed to get instructions with regard to notice that is issued to the petitioner. But, today, when the matter came up for hearing, learned Government Pleader submits that no notice was issued to the first petitioner before passing the confiscation orders.

In view of the facts and circumstances, as the notice under Section 6B of the Essential Commodities Act was not issued to the first petitioner, the proceeding which was signed on 09.03.2022 confiscating the stock to the Government is set aside. As the learned counsel for the petitioners submits that an application has been made by the first petitioner seeking release of the seized stock, the respondents are directed to pass appropriate orders on the application filed by the first petitioner seeking release of the seized stock as expeditiously as possible, preferably within a period of ten (10) days from the date of receipt of a copy of this order. Till orders are passed on the application made by the first petitioner seeking release of the seized stock, the respondents are directed not to sell the seized stock. However, this order shall not prevent the respondents from issuing notice to the first petitioner and passing appropriate orders in 6A proceedings.

Learned counsel for the petitioners submits that the District Supply Officer also issued an endorsement on 09.03.2022 directing the second

petitioner to deposit an amount of Rs.2,13,750/- in favour of the Collector (CS) for release of the seized lorry and the second petitioner is unable to furnish fixed deposit for an amount of Rs.2,13,750/- for release of the seized lorry.

In view of the facts and circumstances of the case, the respondents are directed to get the subject vehicle valued by the concerned Motor Vehicle Inspector in the presence of the second petitioner after serving notice on her and the second petitioner is directed to furnish the third party immovable property security by executing a bond in favour of the second respondent strictly adhering to the Stamps and Registration Laws, as per the value fixed by the Motor Vehicle Inspector and on production of such third party immovable property as security, the second respondent is directed to release the subject vehicle bearing registration No.AP 03 TB 2444 as interim custody to the second petitioner in accordance with law. It is also made clear that the second petitioner shall not alienate or change the nature of the vehicle during the pendency of the enquiry.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date:21.03.2022

Note:

Issue CC in one week

(B/O)

Nsr

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