

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF NOVEMBER  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION No. 25250 of 2005**

Between:

Pendyala Saraiah

**..... PETITIONER**

AND

The Collector (C.S.) Karimnagar,

Karimnagar District and another

**.....RESPONDENTS**

**ORDER:**

Seeking a Mandamus, declaring the action of the respondents in seizing 150 bags of rice each 50 kgs. on 24.07.2005 from the petitioner and the order dated 04.10.2005 in proceedings No.C3/387/2005 passed by the 1<sup>st</sup> respondent, as illegal and arbitrary, the present writ petition is filed.

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

The petitioner is resident of Gopalapuram village of Elakathurthy Mandal and owner of a tractor and he is eking out his livelihood on hiring the tractor and also by running a kirana shop. While so, on 24.07.2005 the 2<sup>nd</sup> respondent visited the village and seized 150 bags of rice each bag containing 50 kgs. from the possession of the petitioner stating that the said rice belongs to food for work programme. It is stated that the District Collector sanctioned an amount of Rs.2,50,000/- comprising Rs.1,25,000/- in cash and 150 quintals of rice under food for work programme for execution of work of deepening and steering of open well at Elakathurthy village under the head of Rural Water Supply. The execution of work was entrusted to one Godishala Yadagiri, President of Vana Samrakshana Samithi, Elakathurthy, and the said work was executed in between 15.05.2005 to 10.07.2005 under the supervision of Assistant Executive Engineer, R.W.S, Elakathurthy, the Deputy Executive Engineer, R.W.S, Huzurabad and gave requisition for release of 100 Qtls. of rice. The said rice was released on 29.06.2005 along with coupons to the fair price shop dealer.

It is stated that the 2<sup>nd</sup> respondent by proceedings dated 25.07.2005 submitted a report to the Collector (CS), Karimnagar, stating that the fair price shop dealer dispatched 97 Qtls. of rice to the labourers, but the said 97 Qtls.of rice have been received by the petitioner towards his debts due from the said contractor Yadagiri. It is further stated that out of 160 bags, 10 bags were dispatched to the labourers and the remaining 150 bags were stored in the house of the petitioner.

Subsequently, the 2<sup>nd</sup> respondent submitted another report on 03.09.2005, stating that the dealer has handed over the rice to the labourers as per the coupons in three phases and the labourers have taken the rice and given back to the contractor as they have already received the money towards their labour, and the contractor gave the rice to the petitioner, and accordingly he has requested for the release of said seized stock in favour of the petitioner. But the said request has not been considered and the 1<sup>st</sup> respondent by the impugned proceedings dated 04.10.2005 held that the said rice of 75 Qtls. found in possession of the petitioner, relates to the food for work programme, and therefore, the petitioner is not entitled for the relief as he has released said stock to the 2<sup>nd</sup> respondent for allotment to any other work in the Mandal sanctioned by the District Collector.

I am of the opinion that the Collector (Civil Supplies) has no power or authority to confiscate the said food for work programme rice found in possession of the petitioner, which is said to have been purchased by the petitioner from the contractor towards hire charges for having tractor. Admittedly, there is no allegation about the misuse of the rice allotted to food for work programme. If the fair price shop dealer has committed any irregularities, it is always open for the authorities to take appropriate action against the fair price shop dealer. Therefore, the petitioner is entitled to get back the seized rice bags, as he purchased the same from the contractor, towards hire charges for engaging his tractor in execution of the work.

For the foregoing reasons, the Writ Petition is allowed and the impugned order dated 04.10.2005 is set aside. No order as to costs.

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**V.ESWARAIAH,J**

Dated: 30.11.2005

Dsr

**Note:**

**Issue CC in one week**

**B/o**

**Dsr**

