

**\*HON'BLE THE CHIEF JUSTICE SRI ANIL R. DAVE**  
**AND**  
**\*HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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-  
**+ WRIT APPEAL Nos.936, 937 and 938 of 2008**

% Dated 29-8-2008

# A. Siva Reddy and others. ..  
Appellants

And

\$ The District Collector, Kurnool, Kurnool District and  
others.  
... Respondents

! Counsel for the appellants : Sri D. Prakash Reddy,  
Senior Advocate, assisted by  
Sri K.V. Raghuvver.

Counsel for respondent Nos.1 & 2: Government Pleader for  
Civil  
Supplies

Counsel for respondent No.3 : Sri D. Linga Rao

Counsel for respondent No.4 : None

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>HEAD NOTE:

? Cases referred:

1. AIR 1978 SC 597

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

FRIDAY, THE TWENTY NINTH DAY OF AUGUST  
TWO THOUSAND AND EIGHT

PRESENT  
**HON'BLE THE CHIEF JUSTICE SRI ANIL R. DAVE**  
**AND**  
**HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

**WRIT APPEAL Nos.936, 937 and 938 of 2008**

**Writ Appeal No.936 of 2008**

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 26.08.2008 in Writ Petition No.18003 of 2008 on the file of the High Court.)

**Between:**

1. A.Siva Reddy, S/o. A.Chinna Nagi Reddy,  
R/o. Nandipalli Village, Kurnool District.
2. K.Narayana Reddy, S/o. K.Sanjeeva Reddy,  
R/o. Durvesi Village, Gadivemula Madnal, Kurnool District.
3. K.Vengal Reddy, S/o. K.Narayana Reddy,  
R/o. Durvesi Village, Gadivemula Madnal, Kurnool District.
4. A.Surya Narendra Reddy, S/o. A.Narayana Reddy,  
R/o. Gadigarevula Village, Kurnool District.
5. K.Venkata Narayana Reddy, S/o. Venkata Reddy,  
R/o. Mitnala Village, Kurnool District.
6. D.Pullu Reddy, S/o. D.Nagi Reddy,  
R/o. Yeraguntla Village, Kurnool District.
7. P.Sivanarayana Reddy, S/o. P.Chinna Venkata Reddy,  
R/o. Balapanur Village, Kurnool District.
8. Dogiparthi Subrahmanyam, S/o. J.Subbalaxmaiah,  
R/o. Kurnool District.
9. S.Obula Reddy, S/o. Obula Reddy,  
R/o. Survyapalli Village, Giddaluru Mandal,  
Kurnool District.
10. A.Venkateswarlu, S/o. A.Venkata Swamy,  
Jonapalapalli, Pedda Mudiya Mandal, Kurnool District.
11. M.Ramalinga Reddy, S/o. M.Chinna Rama Reddy,  
R/o. Jaladurgam Village, Kurnool District.
12. D.Chinna Venkata Narayana, S/o. D.Bhavannarayana,

- R/o. Bethamcherla Village, Kurnool District.
13. A.Sudharshan Setty, S/o. Nagabhushanam Setty,  
Business & Proprietor of ANC Agro Mill, Nandyal, Kurnool District.
14. Pillamaddi Pullaiah, S/o. P.chinna Nagi Reddy,  
R/o. Gorumankonda village, Kurnool District.

**...Appellants**

**And**

1. The District Collector, Kurnool, Kurnool District.
2. The Dy.Tahsildar, O/o. Tahsildar, Sirvel, Kurnool District.
3. The District Manager, Civil Supplies Corporation, Kurnool, Kurnool District.
4. Sri Laxmi Agro Fibres (Cotton & Cotton Seed Merchants) 436/28,  
Noonepally, Nandyal Town & Mandal, represented by its Managing Partner, Sri Atmakur Subramanyam Setty.

**...Respondents**

Counsel for the appellants : Sri D. Prakash Reddy,  
Senior Advocate, assisted by  
Sri K.V. Raghuveer.

Counsel for respondent Nos.1 & 2: Government Pleader for Civil  
Supplies

Counsel for respondent No.3 : Sri D. Linga Rao

Counsel for respondent No.4 : None

**Writ Appeal No.937 of 2008**

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 26.08.2008 in Writ Petition No.17994 of 2008 on the file of the High Court.)

**Between:**

1. M. Prabhudas, S/o. Eswaraiah,  
R/o. Mandluru Village, Jupadu Banglow Mandal, Kurnool District.
2. Bangi Shameer Hussain, S/o. Bangi Bade Basha,  
R/o. Talamudipi Village, Midtur Mandal, Kurnool District.
3. Bangi Bade Basha, S/o. Abdul Shukur,

R/o. Talamudipi Village, Midtur Mandal, Kurnool District.  
**...Appellants**

**And**

1. The District Collector, Kurnool, Kurnool District.
2. The Mandal Revenue Inspector, Nandyal Mandal, Kurnool District.
3. The District Manager, Civil Supplies Corporation, Kurnool.
4. Sri Tirumala Rural Godown, Nandikotkur Village and Mandal,  
Kurnool District, represented by Sri E. Venkateswarlu.

**...Respondents**

Counsel for the appellants : Sri D. Prakash Reddy,  
Senior Advocate, assisted by  
Sri K.V. Raghuveer.

Counsel for respondent Nos.1 & 2: Government Pleader for  
Civil  
Supplies

Counsel for respondent No.3 : Sri D. Linga Rao

Counsel for respondent No.4 : None

**Writ Appeal No.938 of 2008**

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 26.08.2008 in Writ Petition No.18009 of 2008 on the file of the High Court.)

**Between:**

1. G. Ramakrishna Reddy, S/o. Venkat Reddy,  
R/o. Guntanala Village, Kurnool District.
2. T. Sridharudu, S/o.Kondaiah,  
R/o. Guntanala Village, Nandyal Mandal, Kurnool District.
3. R.Srinivasa Rao, S/o.Sithaiah,  
R/o. Guntanala Village, Nandyal Mandal, Kurnool District.
4. S.Siva Nagi Reddy, S/o.Eswar Reddy,  
R/o. Guntanala Village, Nandyal Mandal, Kurnool District.
5. N. Rama Krishna Reddy, S/o.Veera Reddy,  
R/o. Guntanala Village, Nandyal Mandal, Kurnool District.
6. S. Pulla Reddy, S/o. Pulla Reddy,  
R/o. Kommuluru Village, Giddalur Mandal, Kurnool District.
7. S. Chinna Kotaiah, S/o.Sithaiah,  
R/o. Santinagaram Village, Allragada Mandal.

8. A. Venkata Krishudu, S/o.Yagantanna,  
R/o.Bentamcharla Village and Mandal.
9. M. Bhaskar Reddy, S/o. Eswar Reddy,  
R/o. Betamcharla Village, Nandyal Mandal, Kurnool  
District.
10. K. Bala Anki Reddy, S/o. Pulla Reddy,  
R/o.Kommuluru Village, Giddaluru Mandal, Kurnool  
District.
11. A. Nageswara Rao, S/o. Ramalaxmaiah,  
R/o. Mahadevapuram Village, Siraveda Mandal, Kurnool  
District.
12. A. Linga Reddy, S/o. Bala Kota Reddy,  
R/o. Raythunagar Village, Nandyal Mandal, Kurnool  
District.
13. Sri Venugopal Traders, Nandyal Village and Mandal,  
Kurnool District.

**....Appellants**

**And**

1. The District Collector, Kurnool, Kurnool District.
2. The Deputy Tahsildhar (Civil Supplies), Sirvel, Kurnool  
District.
3. The District Manager, Civil Supplies Corporation, Kurnool,  
Kurnool  
District.
4. M/s. Laxmi Venkateswara Padmavathi Rural Warehouse at  
Ponnapuram  
Village , Kurnool District, represented by its Manging  
Partner of Sri T.  
Siva Reddy S/o. Venkat Reddy.

**...Respondents**

Counsel for the appellants : Sri D. Prakash Reddy,  
Senior Advocate, assisted by  
Sri K.V. Raghuveer.

Counsel for respondent Nos.1 & 2: Government Pleader for  
Civil  
Supplies

Counsel for respondent No.3 : Sri D. Linga Rao

Counsel for respondent No.4 : None

**The Court made the following:**

**COMMON JUDGMENT:** (Per Anil R. Dave, C.J.)

**1.** The appellants are the original petitioners who have challenged the validity of a common order dated 26<sup>th</sup> August, 2008 passed in Writ Petition No.18003 of 2008 and other allied matters.

**2.** The appeals are admitted and at the request of the learned Advocates, they are finally heard and decided by this common judgment.

**3.** The facts giving rise to the present appeals in a nutshell are as under. As a common order passed by the learned Single Judge is challenged in these appeals, for sake of convenience, the facts of Writ Appeal No.936 of 2008 are taken into consideration.

**4.** The Deputy Tahsildar, Sirvel had inspected a warehouse of ANC Agro Mills/ANI Warehouse Services situated at Noonepally, Kurnool District, on the basis of some information received with regard to storage/hoarding of Red Gram in benami names and had found that Red Gram had been stored in the said warehouse. He had found that the said food grains namely, Red Gram was stored in the warehouse by some unknown traders in the name of benami farmers. He had seized the stock of Red Gram on 24.7.2008 and it was kept in custody of Sri Atmakur Subramanyam Setty, Managing Partner of Sri Laxmi Agro Fibres (Cotton & Cotton Seed Merchants), Noonepally, Nandyal Town & Mandal. Thereafter, he had submitted his report to the Collector, Kurnool. The Collector, Kurnool found that by storing Red Gram in such a manner, the provisions of the Andhra Pradesh Pulses (Licensing, Storage & Regulation) Order, 2007 and the provisions of the Essential Commodities

Act, 1955 (hereinafter referred to as 'the Act') had been violated. The Collector directed by virtue of the impugned order that the Red Gram which had been seized should be taken possession of and should be disposed of/sold through public distribution system. For justifying the said order, the Collector had observed that so as to avoid natural decay of the Red Gram, he had decided to get the Red Gram sold.

**5.** Being aggrieved by the afore-stated order passed by the Collector, the afore-stated petitions had been filed by the persons who had given the said Red Gram for storage to the warehouseman. It was the case of the appellants – original petitioners that they were all farmers and they had given the Red Gram for storage to the warehouseman.

**6.** After hearing the learned Advocates and looking to the facts of the case, the learned Single Judge was pleased to reject the writ petitions. Being aggrieved by the order rejecting the petitions by the learned Single Judge, these appeals have been filed by the original petitioners.

**7.** Learned Senior Advocate, Sri D. Prakash Reddy, appearing for the appellants has submitted that the impugned order dated 26<sup>th</sup> July, 2008 is unjust, improper and illegal for the reason that the Collector had not complied with the conditions incorporated in Section 6-A(2) of the Act.

**8.** It has been submitted by him that as per the provisions of Section 6-A(2) of the Act, the seized essential commodity can be sold only if the essential commodity seized is subject to speedy and natural decay or it is otherwise expedient in the public interest to sell it. He has further submitted that according to the provisions of

Section 6-A(2) (i) and (ii), the essential commodity seized can be sold at a controlled price if any controlled price has been fixed for such a commodity, but if no controlled price is fixed, according to clause (ii), the essential commodity should be sold by public auction.

**9.** It has been submitted by him that upon perusal of the impugned order passed by the Collector, Kurnool, it is clear that the Collector did not come to a conclusion that the seized commodity i.e. Red Gram was subject to speedy and natural decay. There is no observation or finding of whatsoever type that the commodity seized was subject to speedy decay. According to the learned Advocate, if the commodity so seized is not subject to speedy decay, no order with regard to sale of the seized commodity can be passed as an interim measure.

**10.** It has been further submitted by him that discretion has been given to the Collector with regard to sale of the essential commodity and it is not obligatory on the part of the Collector to sell the seized commodity by way of interim measure if there is no immediate need for selling the commodity.

**11.** It has been further submitted that no opportunity was given to the appellants to give any sort of explanation though it was known to the respondent government authorities that the seized Red Gram belonged to the appellants. So as to substantiate his case, he has referred to panchanama dated 24<sup>th</sup> July, 2008, which had been drawn at the time of seizure of the Red Gram. He has drawn our attention to the fact that names of 14 farmers i.e. the



appellants – original petitioners have been given in the said panchanama along with details with regard to receipts issued to those farmers who had given their Red Gram to the warehouseman for the purpose of storage. Not only that, details with regard to their addresses, lands held by them as well as the quantity given by them for the purpose of storage were also found at the time when Red Gram had been seized.

**12.** It has also been submitted that upon having the afore-stated details with regard to the persons whose Red Gram had been stored in the warehouse, it was obligatory on the part of the respondent authorities at least to hear them so as to know whether the Red Gram stored in the warehouse by the warehouseman was, in fact, given by genuine farmers.

**13.** The learned Senior Advocate has relied upon an unreported judgment of a learned Single Judge of this Court in Writ Petition No.18136 of 2008 and batch, dated 21<sup>st</sup> August, 2008, wherein it has been held that without holding a preliminary enquiry or without hearing the concerned persons, interim sale of essential commodities should not be effected.

**14.** For the afore-stated reasons, it has been submitted that the impugned order passed by the Collector as well as the order passed by the learned Single Judge deserve to be quashed and set aside.

**15.** On the other hand, learned Government Pleader for Civil Supplies, Sri W.B. Srinivas, appearing for the respondent government authorities has submitted that the impugned order of seizure, whereby the seized Red Gram has been ordered to be sold is just, legal and proper. It has

been submitted that information had been received by the government authorities that in the warehouse referred to hereinabove, pulses had been stored in benami names. He has submitted that because of hoarding of the pulses, market price of pulses had gone up. Looking to the said fact, in the interest of public at large, the Collector had not only seized the essential commodity i.e. Red Gram, but also directed the said Red Gram to be disposed of through public distribution system. According to him, the action has been taken in good faith so as to bring down the market price of Red Gram because by virtue of sale of the stocks seized, the supply of Red Gram would be increased and that would result in reduction in the market price of the Red Gram. He has further submitted that by sale of the seized Red Gram through public distribution system, citizens who are not financially sound would be getting Red Gram at a very nominal rate as per the policy of the State. Thus, it has been submitted that the action of the Collector is just and in the interest of public at large.

**16.** He has submitted that it was not necessary to hear the appellants for the reason that there is no provision with regard to giving any hearing to them. It has been, however, clarified by him that no harm of whatsoever type would be caused to the appellants because upon sale of the Red Gram, the sale proceeds would be given to the appellants if ultimately it is found that they are the real owners of the Red Gram stored in the afore-stated warehouse. Thus, according to him, no principle of natural justice has been violated by the government authorities by directing sale of the seized Red Gram at an interim stage without hearing the

appellants.

**17.** The learned Government Pleader has relied upon the judgment of the apex Court in **N. Nagendera Rao & Co. v. State of A.P.** <sup>[1]</sup> and of a Division Bench of this Court in **K. Venkataratnam v. District Revenue Officer** <sup>[2]</sup>.

**18.** According to him, the ratio of both the judgments clearly denotes that it was not necessary to hear the appellants before making interim arrangement with regard to sale of Red Gram in the instant case.

**19.** We have heard the learned Advocates at length and have gone through the relevant record as well as the judgments referred to by the learned Advocates.

**20.** It is not in dispute that at the time when the essential commodity namely, Red Gram had been seized from the warehouse referred to hereinabove, from the record of the warehouse it was found that the appellants had given their Red Gram for the purpose of storage. The said fact is clearly revealed from the panchanama dated 24<sup>th</sup> July, 2008.

**21.** As stated hereinabove, at the time when the Red Gram had been seized, it was found from the record of the warehouseman that the present appellants had given their Red Gram to the warehouseman. The details with regard to their addresses, quantities given by them for the purpose of storage and even the extent of lands held by the appellants are reflected in the panchanama.

**22.** The fact that the names of the appellants figure in the panchanama, prima facie, establishes that they had given the essential commodity for storage to the warehouseman

and that it belongs to them. If the essential commodity had been stored in benami names, possibly, no petition would have been filed by the appellants – original petitioners.

**23.** In our opinion, once the District Collector came to know that names of some persons, who had given their commodity for the purpose of storage were on record, he ought to have made some preliminary enquiry so as to find out whether the persons whose names were found in the record of the warehouse were genuine owners of the commodity seized. Without making at least a preliminary enquiry, it was not proper on the part of the Collector to jump to a conclusion that the said commodity had been held by “unknown traders and benami farmers”. The conclusion could have been arrived at only after making some enquiry.

**24.** In our opinion, the direction to the District Manager, Civil Supplies Corporation to sell the Red Gram is in violation of the basic principles of natural justice because, upon knowing the fact that the Red Gram belonged to some persons, whose names figured in the record of the warehouse, the Collector ought to have made some preliminary/summary enquiry so as to know whether the persons who were shown as owners of the Red Gram, who had given the same for the purpose of storage to the warehouseman were, in fact, genuine farmers or benami farmers. Without doing the afore-stated exercise, the Collector gave the direction for sale of the seized Red Gram as per the provisions of Section 6-A(2) of the Act. Though it has been submitted by the learned Government Pleader that there is no provision for giving any hearing to anyone, in our opinion, when there was a prima facie material before the

Collector that the Red Gram belonged to some farmers, whose names and addresses were made available from the record of the warehouse at the time of drawing the panchanama, so as to follow the principles of natural justice, he ought to have verified the genuineness of the owners of the Red Gram. In our opinion, even if no provision has been made with regard to giving hearing to anyone, the Collector ought to have followed the principles of natural justice in the facts of the case. Had there been no record with regard to the ownership of the Red Gram stored in the warehouse or with the warehouseman, the Collector could have done what he has done, but upon having prima facie material to the effect that the Red Gram belonged to some persons, he ought to have made at least some preliminary/summary enquiry so as to ascertain whether the Red Gram, in fact, belonged to the warehouseman or someone else.

**25. In *Maneka Gandhi v. Union of India*** <sup>[31]</sup>, the Supreme Court observed that even in an administrative proceeding, which involves civil consequences, the doctrine of natural justice must be held to be applicable. It is apposite to excerpt the following observations from the said judgment:

“Although there are no positive words in the statute requiring that the party shall be heard, yet the justice of the common law will supply the omission of the legislature. The principle of audi alteram partem, which mandates that no one shall be condemned unheard, is part of the rules of natural justice.....Natural justice is a great humanising principle intended to invest law with fairness and to secure justice and over the years it has grown into a widely pervasive rule affecting large areas of administrative

action. The inquiry must, always be: does fairness in action demand that an opportunity to be heard should be given to the person affected?.....The law must be taken to be well settled that even in an administrative proceeding, which involves civil consequences, the doctrine of natural justice must be held to be applicable.”

**26.** From the above, it is clear that even if the statute does not provide for hearing a party in clear terms, the principles of natural justice need to be followed in an administrative proceeding which involves civil consequences.

**27.** For the afore-stated reasons, in our opinion, the conclusion arrived at by the Collector that “and thereby the unknown traders and benami farmers have violated the A.P. Pulses (L.S.&R) Order, 2007 and hence violated the Essential Commodities Act, 1955” is bad. Such a conclusion could have been drawn only after giving hearing to the persons whose names had been found in the record of the warehouseman at the time of seizing the material and drawing the panchanama.

**28.** Here, it is relevant to notice Section 6-A(2) of the Act reads as under:

“Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may -

- (i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or
- (ii) where no such price is fixed, order the same to be sold by public auction.

Provided that in case of food grains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such food grains to the public.”

**29.** A reading of the above provision makes it clear that the seized essential commodity can be sold at the controlled price if the Collector is of the opinion that such commodity is subject to speedy and natural decay. Upon perusal of the impugned order dated 26<sup>th</sup> July, 2008, we do not find that the Collector had come to the conclusion that the Red Gram seized was subject to speedy and natural decay. In the impugned order, he has simply stated that so as to avoid natural decay, he had given direction to the District Manager, Civil Supplies Corporation, Kurnool to take possession of the seized Red Gram and sell the same. Almost everything on the earth is subject to natural decay. What is important is that the commodity should be such that it gets decayed speedily. It is common knowledge that pulses do not get decayed very fast. Normally, they start decaying after five-six months or so if not properly preserved. Pulses are not like fresh vegetables which get decayed very fast. In the circumstances, in our opinion, without coming to the conclusion that the Red Gram was subject to “speedy and natural decay”, the District Manager, Civil Supplies Corporation should not have been directed to sell the seized Red Gram. This denotes that the provisions of Section 6-A(2) of the Act had not been strictly complied

with by the Collector especially when there is not a word with regard to the time within which the Red Gram could have been decayed or spoiled. Sale of the commodity has serious civil consequences. In the circumstances, we believe that the provisions of Section 6-A(2) must be strictly followed before sale of the commodity is effected. If the Collector cannot come to a conclusion that the commodity is subject to "speedy or natural decay or it is otherwise expedient in the public interest", the Collector cannot give any direction with regard to sale of the commodity.

**30.** Though it has been submitted by the learned Government Pleader that in the interest of public at large, the Collector has directed sale of the Red Gram, we do not find any substance in the said submission for the reason that upon perusal of the impugned order passed by the Collector, we do not find a single word with regard to public interest or necessity of sale of the Red Gram in the public interest. We, therefore, see no reason to accept the said submission of the learned Government Pleader.

**31.** The learned Government Pleader has relied upon the judgment delivered by the Hon'ble Supreme Court in **N. Nagendera Rao & Co. v. State of A.P.** (supra). Upon going through the said judgment, we find that the facts of the said case are different. In the said case, the trader had taken civil action for damages against the government authorities for improper storage of the essential commodity. Here, it prima facie appears that the Red Gram belongs to some persons whose names have been found from the official record of the warehouseman because, upon perusal of the panchanama, we find that the concerned



officer had found that the Red Gram belonged to some persons whose names and addresses were recorded and without making any preliminary enquiry, the Collector had come to the conclusion that the Red Gram belonged to ".....unknown traders and benami farmers....."

**32.** Thereafter, the learned Government Pleader has referred to the judgment delivered by this Court in **K. Venkataratnam v. District Revenue Officer** (supra). In the said case, the petitioner himself was a licence holder and the essential commodity undisputedly belonged to him. The question that arose for consideration was whether the Collector had power to make interim orders for disposal of the essential commodity by way of sale or otherwise without notice to the dealer pending enquiry. That is not the case here. The facts are absolutely different. In this case, admittedly, the warehouseman had stored the commodity belonging to someone else. Without ascertaining the correctness of the record, the Collector took action under Section 6-A(2) of the Act. In the instant case, as stated hereinabove, the Collector did not exercise his power properly and in accordance with the provisions of Section 6-A(2) of the Act and he did not even follow the principles of natural justice. It is also pertinent to note that the provisions with regard to sale of the seized commodity are having serious civil consequences and, therefore, the said provisions must be implemented strictly.

**33.** In the circumstances, we come to the conclusion that the impugned order passed by the Collector dated 26<sup>th</sup> July, 2008, which has been confirmed by the learned Single Judge,

is bad in law. The Collector ought to have come to the conclusion that the Red Gram which had been seized was subject to speedy decay and upon knowing from the record of the warehouseman that there were some persons who were prima facie owners of the Red Gram, the Collector ought to have heard those persons so as to ascertain as to whether they were genuine owners of the Red Gram.

**34.** In view of the fact that the Collector did not hear the concerned persons and without hearing them, came to the conclusion that the Red Gram belonged to “unknown traders and benami farmers”, we direct the Collector to give notice to the persons whose names were found as owners of the Red Gram at the time when the Red Gram had been seized and after making a preliminary/summary enquiry, the Collector may take a fresh decision. The enquiry shall be made within six weeks from today and after hearing the concerned persons appropriate order be passed by the Collector. Needless to say that the stock which is not owned by the persons named in the record of the warehouseman and which has not been explained by the warehouseman can be dealt with in accordance with law by the Collector.

**35.** Sri D. Prakash Reddy, learned Senior Advocate appearing for the appellants has fairly submitted that no claim of whatsoever type shall be made if the Red Gram is damaged during the said period of six weeks. In other words, if within six weeks, the Red Gram is decayed or spoiled, no action for claiming damages shall be taken because, an opportunity is being given to the appellants to make out their case before the Collector.

**36.** For the reasons stated hereinabove, the impugned order of the Collector as well as the order of the learned Single Judge confirming the said order are quashed and set aside and the appeals are disposed of as allowed with no order as to costs.

**ANIL R. DAVE, C.J.**

29<sup>th</sup> August, 2008

**VILAS V. AFZULPURKAR, J.**

Note: LR copy be marked.  
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....REGISTRAR

**To**

1. The District Collector, Kurnool, Kurnool District.
2. The Dy.Tahsildar, O/o. Tahsildar, Sirvel, Kurnool District.
3. The Mandal Revenue Inspector, Nandyal Mandal, Kurnool District.
4. The District Manager, Civil Supplies Corporation, Kurnool, Kurnool District.
5. Two copies to the Govt. Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT).
6. Two C.D. copies.

ARS

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[\[1\]](#) AIR 1994 SC 2663

[\[2\]](#) AIR 1975 AP 359

[\[3\]](#) AIR 1978 SC 597