

HON'BLE SRI JUSTICE NOUSHAD ALI

WRIT PETITION No.13732 of 2011

ORDER:

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Heard Sri K.Srinivas, learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents and with their consent, the writ petition is disposed of at the stage of admission.

Aggrieved by the orders of the third respondent-Joint Collector and Additional District Magistrate, Guntur, dated 15.04.2011, in E.C.Act Case No.69/2011-S7, whereby it has been ordered to dispose of the stock seized from the mill premises of the petitioner, this writ petition has been filed.

The petitioner claims to be the proprietor of Sri Rama Krishna Modern Rice Mill situated at Srinivasarao Thota, Guntur, Guntur District. On 05.04.2011, the Vigilance Enforcement Officials along with the Civil Supplies Deputy Tahsildar, Guntur, inspected the said mill premises and seized 318.50 quintals of PDS rice and 3.00 quintals of broken rice alleging that the petitioner is not maintaining proper records.

A complaint to that effect under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') was laid down before the third respondent, who, in turn, issued notice to the petitioner under Section 6-B of the Act calling for his explanation. Even while initiating the proceedings under Section 6-A of the Act, by means of the impugned order, the third respondent directed that the seized stock shall be sold in the open auction.

Learned counsel for the petitioner submits that the

petitioner has submitted his explanation to the show cause notice, dated 15.04.2011, denying the allegations made against him. He further submits that the rice seized from the mill premises of the petitioner is not meant for any public distribution system and thereby, the petitioner has not committed any violation. He also submits that in any event, the petitioner is prepared to co-operate with the enquiry, and if the seized stock is sold before the conclusion of such an enquiry, he would suffer great hardship and therefore, he pleads for an appropriate order directing the third respondent to complete the enquiry within a time frame, and at the same time, to withhold the sale of the seized stock.

From the material placed before this Court, it is seen that the third respondent has already initiated proceedings under the Act for confiscation of the seized stock by issuing a show cause notice, dated 15.04.2011. It may be mentioned that once the enquiry is commenced, it should be completed within a reasonable time by coming to a logical conclusion.

In the circumstances, I deem it appropriate to direct the third respondent to conclude the enquiry initiated in pursuance of the show cause notice, dated 15.04.2011, as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. The stock seized from the mill premises of the petitioner shall not be sold until the completion of the enquiry.

Subject to the above directions, the writ petition is disposed of. There shall be no order as to costs.

JUSTICE NOUSHAD ALI

30th April 2011
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