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**(2013) 07 AP CK 0120**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 20147 of 2013**

M.V.S. Babu

APPELLANT

Vs

Joint Collector and Addl. District Magistrate and Another

RESPONDENT

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**Date of Decision : 11-07-2013**

**Acts Referred:**

Essential Commodities Act, 1955 — Section 6A

**Citation :** (2013) 5 ALD 59 : (2013) 6 ALT 16

**Hon'ble Judges :** C.V. Nagarjuna Reddy, J

**Bench :** Single Bench

**Advocate :** Kotbapalli Ram Mohan Chowdary, for the Appellant;

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## **Judgement**

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a mandamus to set aside the order in Rc. No. K9/PKD/348/2013, dated 2.7.2013, of respondent No. 1, whereby he has directed disposal of 352 bags (168.96 quintals) of rice, seized on 14.4.2013, through public distribution system. A perusal of the interim disposal order impugned in this writ petition shows that the above-mentioned stock was seized when the same was being transported through lorry bearing Registration No. AP 02 W 2106 and proceedings u/s 6-A of the Essential Commodities Act, 1955 (for short "the Act") have been initiated. As per the panchanama, the way bill produced by the driver of the said lorry had shown the stock as "jowar", while the stock being transported was rice. However, the petitioner has filed a copy of way bill showing the nature of commodity as rice. The petitioner has also filed a copy of receipt issued by the Agricultural Market Committee, Badwel on 14.4.2013 at 6 a.m., which, prima facie, shows that he was transporting 352 bags of rice. In the face of this prima facie material, I do not find any justification for respondent No. 1 for ordering disposal of the seized stock through public distribution system. Therefore, the impugned order is set aside with the direction to respondent No. 1 not to dispose of the seized stock in any manner till completion of the enquiry and passing of the final order u/s 6-A of the Act.

2. Subject to the above directions, the writ petition is allowed. As a sequel to the

disposal of the writ petition, the WPMPs, if any, pending are disposed of infructuous.