
(2014) 12 AP CK 0148
In the Andhra Pradesh High Court
Case No : Writ Petition No. 37193 of 2014

N.J.S. Traders Rice Mill

APPELLANT

Vs

The State of Andhra Pradesh and Others

RESPONDENT

Date of Decision : 04-12-2014

Acts Referred:

Essential Commodities Act, 1955 — Section 6-A, 6-A(2), 6B

Citation : (2015) 1 ALD 620 : (2015) 1 ALT 587

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

Bench : Single Bench

Advocate : K.V. Raghuveer, Advocates for the Appellant

Judgement

C.V. Nagarjuna Reddy, J.—This Writ Petition is filed for a Mandamus to set aside proceedings in Rc. CS1/E.C. No. 54/2014, dated 20.11.2014, whereby respondent No. 2 has directed sale of seized commodities belonging to the petitioner.

2. I have heard Sri K.V. Raghuveer, learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies.

3. Based on the inspection held by the Deputy Tahsildar, Civil Supplies, Kurnool and the Food Inspector, Nandyal on 21.04.2014, certain quantities of paddy, rice and broken rice were seized from the petitioner's rice mill. Proceedings under Section 6-A of the Act, 1955 (for short "the Act") have been initiated against the petitioner, wherein respondent No. 2 has issued show cause notice under Section 6B of the Act on 20.05.2014. The petitioner is stated to have submitted its explanation on 05.06.2014 to the show cause notice. However, more than five months later, respondent No. 2 has issued the impugned proceeding on 20.11.2014 under Section 6-A(2) of the Act.

4. In my opinion, respondent No. 2 has not made a proper approach in dealing with the case. Ordinarily, within a reasonable period after seizure of the essential commodities, the Collector may exercise his power under Section 6-A(2) of the

Act as, the main object of exercise of such power is to prevent speedy and natural decay of the seized commodities. For the reasons best known to respondent No. 2, he has not exercised that power at that stage. He has issued a show cause notice on 20.05.2014 and received explanation from the petitioner within a few days thereafter. Instead of disposing of the proceedings under Section 6-A of the Act within a reasonable time, after receiving the explanation from the petitioner on 05.06.2014, respondent No. 2 has kept the said proceedings pending for nearly six months and passed the impugned order. Respondent No. 2 has, thus, exercised his power at an inappropriate stage. Instead of passing the impugned order, respondent No. 2 ought to have completed the enquiry and passed a final order under Section 6-A of the Act.

5. For the above-mentioned reasons, the impugned order of respondent No. 2 cannot be sustained and the same is, accordingly, set aside. Respondent No. 2 is directed to complete the enquiry and pass a final order under Section 6-A of the Act within one month from the date of receipt of a copy of this order.

6. Subject to the above direction, the Writ Petition is allowed.

7. As a sequel, WPMP. No. 46556 of 2014 is disposed of as infructuous.