IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 344 AND 355 OF 2024

WRIT APPEAL NO: 344 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the order Dated 08/09/2023 in W.P.No.24948 of 2023 on the file of the High Court.

Between:

Gugulothu Manjula W/o. Gogulothu Pandu, Aged about 47 years, Occ: Agriculture, R/o. D.No.2-55, Wattipalli Village of Jagdevpur Mandal, Medak District.

AND **...APPELLANT/PETITIONER**

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies Secretariat Buildings Hyderabad.
2. The Collector (Civil Supplies), Rajanna Sircilla District, Integrated Collectorate, Sircilla town and District.
3. The District Civil Supply Officer, Rajanna Sircilla District, Integrated Collectorate, Sircilla town and District.
4. The Assistant District Civil Supply officer, Thangallapally, O/o. District Civil Supply Office, Rajanna Sircilla District, Integrated Collectorate, Sircilla Town and District
5. The Deputy Tahasildar (Civil Supplies), Thangallapally, O/o District Civil Supply Office, Integrated Collectorate, Sircilla Town and District

...RESPONDENTS

IA NO: 3 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order dated 08.09.2023 made in W.P.No.24948 of 2023 on the file of this Hon'ble Court, pending disposal of move writ appeal.

WRIT APPEAL NO: 355 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 08/09/2023 in W.P. No. 24869 of 2023 on the file of the High Court.

Between:

Gugulothu Pandu, S/o. Gogulothu Lakshman, Aged about 50 years, Occ. Agriculture, R/o. D.No.2-55, Wattipalli Village of Jagdevpur Mandal Medak District.

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies Secretariat Buildings Hyderabad.
2. The Collector (Civil Supplies), Rajanna Sircilla District, Integrated Collectorate, Sircilla town and District.
3. The District Civil Supply Officer, Rajanna Sircilla District, Integrated Collectorate, Sircilla town and District.
4. The Assistant District Civil Supply Officer, Thangallapally, O/o. District Civil Supply Office, Rajanna Sircilla District, Integrated Collectorate, Sircilla Town and District.
5. The Deputy Tahasildar (Civil Supplies), Thangallapally, O/o District Civil Supply Office, Integrated Collectorate, Sircilla Town and District.

...RESPONDENTS/RESPONDENTS

IA NO: 3 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order dated 08.09.2023 made in W.P.No.24869 of 2023 on the file of this Honorable Court, pending disposal of above writ appeal and to pass

Counsel for the Appellant in both the Writ Appeals:
SRI SOMAVARAPU SATYANARAYANA

Counsel for the Respondents in both the Writ Appeals:
SRI N. S. ARJUN KUMAR, GP FOR CIVIL SUPPLIES

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

Writ Appeal Nos.344 and 355 of 2024

COMMON JUDGMENT:

Heard Mr. Somavarapu Satyanarayana, learned counsel for the appellants. Also heard Mr. N.S.Arjun Kumar, learned Government Pleader for Civil Supplies appearing for the respondents.

2. 440 quintals in 880 bags of rice were seized under cover of Panchanama dated 17.04.2022, which was the subject matter of confiscation proceedings under Section 6-A of the Essential Commodities Act, 1955 (hereinafter referred to as, 'the 1955 Act'). That is the subject matter of W.P.No.24869 of 2023 from which W.A.No.355 of 2024 arises.

3. Similarly, 450 quintals in 900 bags of rice together with Lorry and Trolleys were seized under cover of Panchanama dated 16.04.2022, which is the subject matter of W.P.No.24948 of 2023 from which W.A.No.344 of

2024 arises. Similar confiscation proceedings under Section 6-A of the 1955 Act were initiated by the Collector (Civil Supplies), Rajanna-Siricilla District.

4. Since the commodity was perishable in nature, the same was sold in public auction under Section 6-A(2)(ii) of the 1955 Act and the sale proceeds of Rs.7,04,000/- were deposited in the Government account by Challan dated 06.09.2022. However, Section 6-A proceedings were pending, when the writ petitions were filed after a delay of about one year of the seizure.

5. Similarly, in the connected writ petition i.e. W.P.No.24948 of 2023, the seized rice was sold and the sale proceeds of Rs.7,20,000/- were deposited on 06.09.2022 with the Government account. Proceedings under Section 6-A of the 1955 Act were pending in the said case also.

6. The writ petitions question the seizure of these commodities as illegal, improper and without any authority of law.

7. Learned writ court disposed of the writ petitions filed by the appellants (hereinafter referred to as, 'the writ petitioners') directing the respondent-Collector (Civil Supplies), Rajanna-Siricilla District, to conclude Section 6-A proceedings within four weeks and the writ petitioners were given liberty to raise all grounds including that rice is not an essential commodity under the 1955 Act and Control Orders made thereunder. Respondent No.2 was also directed to frame an issue on this point and take a decision taking into account the judgment rendered in the case of **Maimuna Begum v. State of Telangana represented by its Chief Secretary, Hyderabad**[1]. Writ petitioners being aggrieved have preferred these two appeals.

8. The main ground of challenge on behalf of the writ petitioners is that in view of the amendment introducing Section 2-A with effect from 12.02.2007 read with the Schedule to the 1955 Act, rice and paddy not being

[1] 2016 (5) ALT 280 (DB)

specified as an 'essential commodity', the seizure was illegal and without jurisdiction.

9. Learned writ court therefore erred in directing conclusion of Section 6-A proceedings instead of quashing the seizure itself.

10. Learned counsel appearing for the respondents-State has brought to our notice the judgment rendered by the erstwhile High Court of Andhra Pradesh in the case of **Elluru Chandra Obul Reddy v. Joint Collector, Kadapa, Kadapa District**[2], wherein the very question whether rice and paddy fell within the varieties prescribed in Schedules I and II of the Andhra Pradesh Rice Procurement (Levy) Order, 1984 under the 1955 Act, was answered classifying them as 'essential commodities'. He has also referred to a decision rendered by a Coordinate Bench of this Court **Gugulothu Pandu v. The State of Telangana represented by its Principal Secretary** (W.A.No.451 of 2022 dated 21.07.2022).

[2] 2008 (6) ALD 411 (DB)

11. It is submitted that this Court has relied upon the judgment rendered in **Elluru Chandra Obul Reddy** (supra) and conclusively answered the question whether rice and paddy fall within the definition of 'essential commodities'. It is submitted that the said decision was carried in appeal to the Supreme Court. The Apex Court vide judgment dated 01.04.2024 passed in SLP (Civil) Diary No.9790 of 2024 has dismissed the SLP in *limine*. The position in law is therefore well settled that rice and paddy fall in the category of 'essential commodities'.

12. It is submitted that the learned writ Court therefore directed confiscation proceedings under Section 6-A of the 1955 Act to be concluded with liberty to the writ petitioners to raise all grounds before the respondent No.2 – Collector (Civil Supplies), Rajanna-Siricilla District. Therefore, no interference may be made.

13. It is submitted that since confiscation proceedings have concluded after passing of the order by the writ court, the writ petitioners have alternative remedy under Section 6-C of the 1955 Act to prefer appeals.

14. We have considered the submissions of the learned counsel for the parties and taken note of the relevant material facts from the record. We have also gone through the provisions of the 1955 Act and the Schedules referred to by the learned counsel for the appellants and have also perused the decisions rendered in **Ellugu Chandra Obul Reddy** (supra) and **Gugulothu Pandu** (supra).

15. The plea raised by the writ petitioners that rice and paddy do not fall within the definition of 'essential commodities' has been answered conclusively by the judgment rendered by the erstwhile High Court of Andhra Pradesh in the case of **Ellugu Chandra Obul Reddy** (supra) where the meaning of the expression "foodstuff" has been expatiated at paragraph 28. This decision has been followed by the learned Division Bench of this Court in the case of **Gugulothu Pandu** (supra).

16. Therefore, the plea that rice and paddy are not 'essential commodities' is not tenable in the eye of law. During the pendency of confiscation proceedings the seized rice was sold in public auction under section 6-A(2)(ii) of

the 1955 Act, as they were perishable commodities, and the sale proceeds were deposited, but the proceedings were still pending. The learned writ court therefore rightly directed respondent No.2 to conclude the proceedings within a time frame. Now that proceedings are concluded, it is up to the appellants to avail remedy of appeal under Section 6-C of the 1955 Act, if they are aggrieved thereby.

17. For the aforesaid reasons, we do not find any ground to interfere with the impugned orders.

18. The instant appeals are accordingly disposed of. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-A.PRATHIMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies, State of Telangana, Secretariat Buildings Hyderabad.
2. The Collector (Civil Supplies), Rajanna Sircilla District, Integrated Collectorate, Sircilla town and District.
3. The District Civii Supply Officer, Rajanna Sircilla District, Integrated Collectorate, Sircilla town and District.
4. The Assistant District Civil Supply officer, Thangallaplly, O/o. District Civil Supply Office, Rajanna Sircilla District, Integrated Collectorate, Sircilla Town and District
5. The Deputy Tahasildar (Civil Supplies), Thangallapally, O/o District Civil Supply Office, Integrated Collectorate, Sircilla Town and District
6. One CC to SRI SOMAVARAPU SATYANARAYANA, Advocate [OPUC]
7. Two CCs to SRI N. S. ARJUN KUMAR, GP for Civil Supplies, High Court for the State of Telangana. [OUT]
8. Two CD Copies

MP
LS

HIGH COURT

DATED:07/08/2025



COMMON JUDGMENT

WA.Nos.344 AND 355 of 2024

DISPOSING OF THE WRIT APPEALS

WITHOUT COSTS

20/9/25