

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

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

WRIT APPEAL NO: 107 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated
28/10/2025 in W.P.No.32351 of 2025 on the file of the High Court.

Between:

1. The State of Telangana, represented by its Principal Secretary to the Consumer Affairs, Food and Civil Supplies, Secretariat Buildings, Hyderabad.
2. The Collector (CS), Kumuram Bheem Asifabad District, Asifabad.
3. The Deputy Tahsildar (CS), Dahegaon Mandal, Kumuram Bheem Asifabad District.

...APPELLANTS/RESPONDENTS

AND

1. Sandeep Sura, S/o.Madhukar, Age. 45 Years, Occ Business. Sri Vasavi Rice Mill Proprietor, Dahegaon Village and Mancial. Kumuram Bheem Asifabad District.
2. Gulbam Rakesh, S/o.Gulbam Vaikuntam, Age.37 Years. Occ.Owner of the Vehicle Bearing No.TS 19 T 8902, R/o.H.No.4-38/1, Tekulapally Village, Kannepally Mandal, Mancherial District.

..... RESPONDENTS/WRIT PETITIONERS

3. The Station House Officer, Dahegaon Police Station. Kumuram Bheem Asifabad District.

(Respondent No.3 is Proforma Party to this Appeal)

...RESPONDENT/RESPONDENT

IA NO: 1 OF 2026

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 suspend the order dated. 28-10-2025 passed in W.P.No.32351 of 2025, pending disposal of the Writ Appeal.

**Counsel for the Appellants: SRI N.S.ARJUN KUMAR,
GP FOR GP FOR CIVIL SUPPLIES**

Counsel for the Respondents No 1 & 2: SRI K. VENUMADHAV

Counsel for the Respondent No 3: SRI J. MAJESH RAJU, GP FOR HOME

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL No. 107 OF 2026

DATE: 29.01.2026

Between:

The State of Telangana, represented by its
Principal Secretary to the Consumer Affairs,
Food and Civil Supplied, Secretariat
Buildings, Hyderabad and 2 others.

....Appellants

AND

Sandeep Sura and 2 others.

....Respondents

JUDGMENT

This Writ Appeal assails the order dated 28.10.2025 passed by the learned Single Judge in W.P.No.32351 of 2025, whereby the learned Single Judge directed the appellants to release the seized stock of rice (54.15 quintals), vehicle (TS 19 T 8902) and cell phones, on the ground that the seized rice was not found to be Public Distribution System (PDS) rice.

2. Heard Sri N.S.Arjun Kumar, learned Government Pleader for Civil Supplies appearing for the appellants, Sri K.Venu Madhav, learned counsel for respondent Nos.1 and 2 and Sri Majesh Raju,

learned Government Pleader for Home appearing for respondent No.3 and perused the record.

Factual Matrix in brief:

3. On 09.09.2025, acting upon credible information, the Enforcement Officials of the Civil Supplies Department conducted an inspection of the premises of M/s Sri Vasavi Modern Rice Mill, situated at Dahegaon, belonging to respondent No.1. During the course of the inspection, a vehicle bearing registration No. TS 19 T 8902 was found unloading rice packed in plastic bags. On verification, a quantity of 54.15 quintals of rice, suspected to be PDS rice meant for illegal diversion and recycling, was seized along with the said vehicle and certain mobile phones.
4. Consequent thereto, proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short '1955 Act') were initiated before the Collector (Civil Supplies), Kumuram Bheem Asifabad, for confiscation of the seized rice, vehicle, and other material. Simultaneously, FIR No. 111 of 2025 came to be registered against the respondents alleging tampering with seized evidence.
5. A sample of the seized rice was forwarded for analysis and was examined on 11.09.2025 by the Technical Assistant of the Telangana State Civil Supplies Corporation Limited (TGSCSCL),

which reported the presence of Fortified Rice Kernels (FRK) to the extent of 0.9%, stated to be within the range applicable to PDS rice.

6. Subsequently, on a representation submitted by respondent No.1, a second test was conducted on 14.10.2025, wherein the report indicated 0.00% FRK, suggesting that the rice was not of PDS origin. The appellants contend that the said second analysis suffered from procedural irregularities and was influenced by extraneous considerations.

7. The learned Single Judge, placing primary reliance on the second test report dated 14.10.2025, allowed the writ petition filed by respondent No.1 and directed release of the seized rice, vehicle, and other material, which order is the subject matter of challenge in the present proceedings.

Contentions of the appellant:

8. The learned Government Pleader for the appellant has contended hereunder:

- i. That the impugned order passed by the learned Single Judge is vitiated for violation of the principles of natural justice, inasmuch as the same was passed at the threshold without affording sufficient opportunity to the appellants to file a counter-affidavit and without proper consideration of the material placed on record, including the sworn/confessional statements of respondent Nos.2 and 3

recorded on 17.09.2025, wherein they categorically admitted the illegal purchase, transportation and attempted recycling of PDS rice.

- ii. That the learned Single Judge committed a patent error of fact in observing that even the first technical report dated 11.09.2025 disclosed "no FRK grains". That on the contrary, the said report specifically recorded the presence of FRK to the extent of 0.9%, which is a determinative indicator of PDS rice.
- iii. That the subsequent report dated 14.10.2025 is self-contradictory and unreliable, particularly in view of the unauthorized presence of political functionaries during sampling and the subsequent arrest of the concerned Technical Assistant by the Anti-Corruption Bureau (ACB) on charges of bribery, thereby casting serious doubt on its credibility.
- iv. That the impugned order amounts to an impermissible interference with the statutory powers and jurisdiction of the Collector under Section 6-A of the 1955 Act. That the Collector is the competent authority to adjudicate confiscation proceedings upon consideration of the entire evidence, including the seizure panchanama, the contradictory technical reports and the sworn statements

of the accused persons, and such adjudication was still pending.

- v. That the direction for release of the seized rice, vehicle and other material objects seriously prejudices the ongoing criminal investigation in FIR No.111 of 2025 registered at Dahegaon Police Station, as the seized articles constitute case property. Such release also defeats the statutory mandate contained in Para 22 of G.O.Ms.No.21 dated 30.09.2024, which requires strict action against diversion and recycling of PDS rice.
- vi. That the writ petition itself was not maintainable, being premature, since the proceedings under Section 6-A of the 1955 Act were admittedly pending and no final order had been passed by the Collector. Without exhausting the statutory remedy, invocation of the extraordinary jurisdiction under Article 226 of the Constitution was unwarranted.

Contentions of the respondents

9. The learned counsel for respondent Nos.1 and 2 has contended hereunder:

- i. That the seizure in question was actuated by *mala fides* and personal vendetta, arising out of earlier complaints lodged by respondent No.1 against the enforcement officials.

- ii. That the second technical report dated 14.10.2025, conducted pursuant to the directions of the Sub-Collector, conclusively established that the seized rice was not PDS rice, as no FRK were found either in the gunny bags or in the plastic bags.
- iii. That the continued detention of the rice stock, vehicle and mobile phones, without any final adjudication, has resulted in grave hardship and is violative of the fundamental rights guaranteed under Articles 14, 19 and 21 of the Constitution of India.
- iv. That the first technical report dated 11.09.2025 was inconclusive and confined only to Fair Average Quality (FAQ) parameters, and was never intended to determine whether the rice was PDS rice. In contrast, the second report was comprehensive, conclusive and conducted in a fair and transparent manner, clearly negating the allegation of PDS rice.
- v. That the pendency of the criminal case is an independent proceeding and cannot, by itself, justify the continued seizure or withholding of the property, especially when the Civil Supplies Department has failed to establish any violation under the 1955 Act or the relevant Control Orders.

10. We have taken note of the respective contentions urged and the material on record.

Consideration by this Court

11. It is pertinent to note that the jurisdiction under Article 226 of the Constitution of India, though wide, is discretionary and is ordinarily not to be exercised when the statute provides for an efficacious alternative remedy. In the present case, proceedings under Section 6-A of the 1955 Act were admittedly initiated and were pending consideration before the Collector (Civil Supplies), who is the competent statutory authority vested with the power to adjudicate confiscation upon appreciation of evidence.

12. The material placed on record discloses serious and disputed questions of fact relating to the nature of the seized rice, the circumstances of seizure, the credibility of the technical reports, and the evidentiary value of the sworn statements of the accused persons. Such issues cannot be summarily adjudicated in writ jurisdiction. The learned Single Judge by ordering release of the seized property at the threshold, has bypassed the statutory process and interfered with the jurisdiction of the authority competent under the Act.

13. A perusal of the record shows that the first quality analysis report dated 11.09.2025 recorded the presence of FRK to the extent of 0.9%, falling within the prescribed range for PDS rice,

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whereas the subsequent report dated 14.10.2025 recorded 0.00% FRK and concluded that the rice was not PDS rice. These contradictory findings raise serious issues concerning the integrity of the sampling process, possible tampering of the seized stock and the reliability of the later report, which, in the backdrop of allegations of unauthorized interference during the second sampling and subsequent developments relating to the Technical Assistant, require detailed examination. Such an enquiry squarely falls within the jurisdiction of the Collector (Civil Supplies) under Section 6-A of the 1955 Act and is not suitable for summary determination in writ proceedings.

14. It is to be noted that the record contains sworn statements recorded on 17.09.2025 before the competent authority, wherein respondent Nos.1 and 2 are stated to have admitted the illegal purchase, transportation and attempted recycling of PDS rice, which constitute material evidence forming part of the proceedings under Section 6-A of the 1955 Act. However, the impugned order does not reflect any consideration of these statements or their bearing on the *prima facie* case, and at a stage when statutory adjudication was yet to be completed, the writ Court ought not to have disregarded such vital material, particularly when its evidentiary value required examination by the competent authority.

15. Further, it is not in dispute that the seizure also forms the subject matter of FIR No.111 of 2025 registered at Dahegaon Police

Station and that the seized rice, vehicle and other articles constitute case property therein. An unconditional direction for release of such property, prior to completion of the criminal investigation or adjudication under Section 6-A of the 1955 Act, carries a risk of prejudicing both the prosecution and the confiscation proceedings, and Courts have consistently held that writ jurisdiction ought not to be exercised in a manner that renders statutory proceedings nugatory or frustrates an ongoing criminal investigation, an effect which the impugned order may bring about.

16. At this juncture, it is necessary to note that the allegations pertain to diversion and recycling of PDS rice, which strikes at the very foundation of the PDS meant to ensure food security for economically weaker sections, and the policy framework under G.O.Ms.No.21 dated 30.09.2024 mandates strict action against such practices. Though the hardship pleaded by the writ petitioners cannot be overlooked, the balance of convenience lies in directing the statutory authority to expeditiously conclude the adjudication in accordance with law, as the larger public interest in preserving the integrity of the PDS system outweighs the private interest in immediate release of the seized property, particularly when the proceedings are at a threshold stage.

Conclusion

17. For the foregoing reasons, this Court is of the considered view that the learned Single Judge was not justified in directing release of the seized property at this stage, thereby bypassing the statutory adjudication contemplated under Section 6-A of the Essential Commodities Act, 1955. In this regard, the impugned order cannot be sustained and is liable to be set aside.

18. In the result, the Writ Appeal is allowed and the order dated 28.10.2025 passed in W.P.No.32351 of 2025 is set aside, relegating respondent Nos.1 and 2 to pursue their remedies before the Collector (Civil Supplies), Kumuram Bheem Asifabad District, in the pending proceedings under Section 6-A of the Essential Commodities Act, 1955; respondent Nos. 1 and 2 are directed to cooperate fully with the expeditious disposal of the proceedings. This cooperation shall include, but not be limited to: i) appearing before the District Collector (Civil Supplies), Kumuram Bheem Asifabad District or the designated authority on 05.02.2026 and other all scheduled hearings without seeking unnecessary adjournments; ii) submitting all required documents, evidence and representations in a timely manner and iii) refraining from any dilatory tactics that may hinder the progress of the proceedings. The Collector is directed to proceed with the matter after giving due opportunity of hearing to all concerned parties and pass a reasoned order in accordance with law within a period of three (3)

weeks from the date of receipt of a copy of this judgment. It is clarified that this Court has not expressed any opinion on the merits of the matter and this order shall not prejudice nor influence the ongoing criminal investigation in FIR No. 111 of 2025 registered at Dahegaon Police Station. The seized property shall continue to remain subject to such orders as may be passed by the Collector (Civil Supplies) and the competent criminal Court. No order as to costs.

As a sequel, the miscellaneous petitions, if any, shall stand closed.

**SD/-M.RAMANA KRISHNA
JOINT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. Sri Sandeep Sura, S/o.Madhukar, Sri Vasavi Rice Mill Proprietor, Dahegaon Village and Mancial. Kumuram Bheem Asifabad District.
2. Sri Gulbam Rakesh, S/o.Gulbam Vaikuntam, R/o.H.No.4-38/1, Tekulapally Village, Kannepally Mandal, Mancherial District
3. The Station House Officer, Dahegaon Police Station, Kumuram Bheem Asifabad District.
4. Two CCs to GP for Civil Supplies, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI K. VENUMADHAV, Advocate [OPUC]
6. Two CCs to GP for HOME, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

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HIGH COURT

DATED:29/01/2026

JUDGMENT

WA.No.107 of 2026



**ALLOWING THE WRIT APPEAL
WITHOUT COSTS**

(11)

Lpr
18/2/26