

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)
THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE
:PRESENT:
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA



WRIT PETITION NO: 13662 OF 2021

Between:

1. Vizianagaram District Rice Millers Association, Rep. by it's President, R/o. Rice Chamber, 1st Floor, RK palace, Mayuri Junction, Vizianagaram.
2. Sri Rama Mini Modern Rice Mill, Prop. Sunkari Sriramula Naidu, S/o Appala Naidu, Aged about 35 years, Gantyada Village, Gantyada Mandal, Vizianagaram District.
3. Sri Venkateswara Agro Food Industries, Managing Partner Smt. K.Dhanalaxmi, W/o. Suresh, Aged about 39 years, Kothabaggam Village, Gajapathinagaram Mandal, Vizianagaram District
4. M/s. Sri Venkateswara Modern Rice Mill,, Prop. Jammu Thatinaidu, S/o. Krishnam Naidu, Aged about 46 years. Alugolu Village, Nellimarla Mandal, Vizianagaram District.
5. Ayyappa Traders, Prop. Pusarla Krishna Rao, S/o. Late Sanyasi Setty, Aged about 40 years, Chandrampetta Village, Gantyada Mandal
6. Bharat Agro Foods, Prop. U Rajesh Varma, S/o. Ram Babu, Aged about 41 Palligandredu Village, Gurla Mandal, Vizianagaram District.
7. Sri Narasimha Traders,, Prop.B.V.S.R.Sarvadev, S/o. Late Venkataramanayya, Aged about 49 years, Sompuram Village, L.Kota Mandal, Vizianagaram District.
8. Sri Laxmi Santhoshimatha Modern Rice Mill,, Managing Partner. Gopalsetti Suresh, S/o. Srirama Murty, Aged about 50 years, Kalavarai Village, Bobbili Mandal, Vizianagaram District.
9. BRR Rice Mill,, Prop. Pusrla Kanaka Mahalaxmi, D/o. Gowri Sankar, Aged about 29 years, Vangara Village, Dattirajeru Mandal, Vizianagaram District.
10. Sri Vasavi Traders,, Prop. A.Ganapathi Raju, S/o Satyanarayana, Aged about 40 years, Puritipenta Village, Gajapathinagaram Mandal, Vizianagaram District.
11. Sri Annapurneswari Modern Rice Mill,, Prop. M. Dinesh Kumar, S/o. Sitarama Swamy, Aged about 31 years, Kotagandredu Village, Gurla Mandal, Vizianagaram District.
12. Sri Sai Venkateswara Modern Rice Mill,, Amity Village, Terlam Mandal Prop. R.Mohana Krishna, S/o Satyamnaidu, Aged about 40 years, Amity Village, Terlam Mandal, Vizianagaram District.
13. Laxmi Ganesh Modern Rice Mill, Managing Partner Bhogi Samsunder, S/o. Ramana Murty, Aged about 58 years, Tamarakandi Village, Sethanagaram Mandal, Vizianagaram District.
14. Sri Rama Modern Rice and G.N.Oil Mill,, Prop.Ganta Subhramanyam, S/o Krishna Rao, Aged about 35 years, Parvatipuram, Parvatipuram Mandal, Vizianagaram District.
15. M/s. Sri Bhimalingeswara Mini Modern Rice Mill,, Prop. Uppala Ravi Kumar, S/o Rama Krishna Rao, Aged about 49 years, Kottakki Village, Rambhadrapuram Mandal, Vizianagaram District.
16. Sri Laxmi Srinivasa Industries,, Prop. Poriperreddy Rama Rao, S/o. Sanyasi Naidu, Aged about 41 years, Ramaswampeta Village, Vepada Mandal, Vizianagaram District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep., by the Principal Secretary, Civil Supplies, Secretariat, Amaravathi, Guntur, Andhra Pradesh.
2. The Commissioner, Civil Supplies, Government of AP, Civil Supplies Bhavan, Vijayawada, Krishna District.
3. Andhra Pradesh Civil Supplies Corporation Ltd., Rep. by it's Vice Chairman and Managing Director, Sri Sai Towers, Ashok Nagar, Bandar Road, Vijayawada, Krishna District.
4. The District Collector, Vizianagaram District, Vizianagaram.
5. Andhra Pradesh Civil Supplies Corporation Ltd., , Rep. by it's District Manager, Vizianagaram.
6. The Food Corporation of India, Rep. by it's General Manager, Regional Office, Raja Narendra Building, Patamatta, Vijayawada.

7. The Food Corporation of India, Rep. by it's Divisional Manager, District Office,
Visakhapatnam.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction or writ more particularly one in the nature of Writ of Mandamus declaring action of the 3rd respondent in encashing the bank guarantees of the petitioner rice millers who are co-guarantors in pursuance of the proceedings memo Lr. No.Mktg/M2/1920(3)KMS2020-21, dated 01-07-2021 as arbitrary illegal, null and void and to set aside the same and violation of Fundamental Rights guaranteed by the Constitution of India and the same is violative of principles of Natural Justice and public policy and -contrary to the supply agreement between the original rice millers and the 5th respondent and to issue consequential direction directing the respondent authorities not to encash the bank guarantee of the petitioner rice millers and if done restore the bank guarantee.

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 3rd and 5th respondent not to encash the petitioners bank guarantees of the petitioner rice millers who are co-guarantors by suspending the proceedings memo Lr. No.Mktg/M2/1920(3)KMS2020-21, dated 01-07-2021, pending disposal of WP No. 13662 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein, and the Orders of the High Court dated 14.07.2021 & 05.08.2021 made herein and upon hearing the arguments of Sri Venkateswara Rao Gudapati Advocate for the Petitioners and of Sri. P.Hema Chandra Standing counsel and G.P. for Civil Supplies for the respondents and the Court made the following.

ORDER:

(Through Video-Conferencing)

At request of Mr. S.Syamsunder Rao, learned standing counsel for FCI, appearing for respondent Nos. 6 and 7, list the matter after two weeks for filing counters.

Interim order granted earlier is extended by four weeks.

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

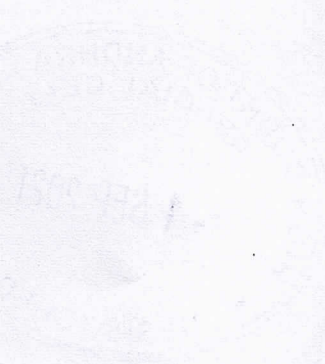
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For ASSISTANT REGISTRAR

To

1. One CC to Sri Venkateswara Rao Gudapati, Advocate [OPUC]
2. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
3. One CC to Sri P. Hemachandra, Standing Counsel (OPUC)
4. One CC to Sri. S.Syamasunder Rao SC for FCI
4. One spare copy

nbr



HIGH COURT

NJS J

ORDER

DATED:19.08.2021

LIST THE MATTER AFTER TWO WEEKS
FOR FILING COUNTERS

WP.No.13662 of 2021



INTERIM ORDER EXTENDED