

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.30962 of 2015

Between:

L.S.Swami Rao.

....Petitioner

and

State of Andhra Pradesh,

Civil Supplies Department, Secretariat, Hyderabad,

Rep.by its Secretary,

And others.

....Respondents

JUDGMENT PRONOUNCED ON : 26.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes

may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.30962 of 2015

ORDER:

The petitioner is a dealer of Hindustan Petroleum Corporation and running a retail outlet in the name of Sri Durga Petroleum Service Products near Tower Clock, Anantapuram. The outlet was inspected by the second respondent along with the Revenue Divisional Officer, District Supply Officer, Tahsildar and Legal Metrology Officials on 06.09.2015. No variation in the stock was noticed at that time. But, a dip rod was inserted and finding some variation by using such method, the third respondent requested the Station House Officer, II Town Police Station, Anantapuram, to register a case against the petitioner, and accordingly, a case in Crime No.318 of 2015 was registered for the offence under Sections 420, 265 and 266 IPC. Along with the same, the second respondent passed an order on 12.09.2015 imposing a penalty of Rs.25,000/- while directing the Tahsildar, Anantapuram, to book a case against the Proprietor of the outlet. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the impugned order dated 12.09.2015 is a substantive order of punishment imposed without issuing any show cause notice and conducting any enquiry. He also submits that the impugned order was passed without following the provisions of the Essential Commodities Act.

This Court is satisfied that the impugned order was passed imposing penalty of Rs.25,000/- on the petitioner without conducting any enquiry and without giving an opportunity of being heard to the petitioner.

In the circumstances, the impugned order dated 12.09.2015 passed by the second respondent is set aside and the matter is remanded to the second respondent for conducting an enquiry after giving due opportunity to the petitioner and to pass appropriate orders thereon by following due process of law.

The Writ Petition is, accordingly, allowed at the admission stage. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

26.10.2015

vs

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