

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

WRIT PETITION No.27986 of 2015

BETWEEN:

Smt. N. Kanaka Mahalakshmi,
W/o. Appalakonda.

.. **Petitioner**

AND

The State of Andhra Pradesh,
rep.by its Ex-Officio Secretary to Govt.,
Consumer Affairs, Food and Civil Supplies
(CS-1) Department, Secretariat, Hyderabad,
and 2 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 01.09.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.27986 of 2015

ORDER:

_____ Heard the learned counsel for the petitioner and the learned
Government Pleader for Civil Supplies for the respondents.

_____ The petitioner was appointed as fair price shop dealer of shop

No.7 situated at K. Kotapadu Village and Mandal, Visakhapatnam District. He is also in-charge of shop No.14 of Kinthada-II Village. The in-charge shop was inspected on 04.08.2015 by the Vigilance and Enforcement Officer along with Deputy Tahsildar (Civil Supplies), K. Kotapadu Mandal and some variations were found in the stock. Based on the said variations, proceedings under Section 6-A of the Essential Commodities Act were initiated and they are pending before the Joint Collector, Visakhapatnam. However, the third respondent-Tahsildar, K. Kotapadu Mandal issued an endorsement on 06.08.2015 entrusting the distribution of essential commodities of petitioner's shops to the shop No.9 of Arlli Village and shop.21 of Singanna Doraplame-2 village respectively. Challenging the same, the present writ petition is filed.

It is clear from the above averments that the in-charge shop was inspected on 04.08.2015 and 6-A proceedings were initiated and they are pending. However, no action was taken by the second respondent-Revenue Divisional Officer, Anakapalli so far. In the absence of any action by the second respondent, the third respondent has no jurisdiction to pass any order with regard to the distribution of essential commodities to the petitioner. The third respondent lacks jurisdiction in this regard.

The learned Government Pleader for Civil Supplies also does not dispute the same.

In view of lack of jurisdiction to the third respondent in passing any order with regard to distribution of essential commodities, the impugned endorsement dated 06.08.2015 passed by him is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the endorsement of the third respondent in Rc.No.453/15, dated 06.08.2015. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 01.09.2015

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