

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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WRIT PETITION No.15296 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the admission stage with the consent of both the parties.

The petitioner was appointed as a fair price shop dealer of shop No.17, Gunthacheepadu Village, Chapadu Mandal, Y.S.R. District. The authorization of the petitioner is valid till 31.03.2016. The Enforcement Deputy Tahsildar, Proddatur visited the fair price shop of the petitioner, along with the Mandal Revenue Inspector, and seized some stock on the ground that there are certain variations. He submitted a report on 09.08.2014 to the second respondent, based on which, proceedings under Section 6-A of the Essential Commodities Act were initiated. When the fourth respondent refused to release the essential commodities to the fair price shop of the petitioner, he filed W.P.No.28458 of 2014 and, this Court, by order dated 26.09.2014, directed the fourth respondent to supply stock so long as the authorisation of the petitioner subsists. Thereafter, the authorization of the petitioner was suspended by proceedings dated 22.08.2014. Challenging the said order of suspension, the petitioner filed W.P.No.30921 of 2014 and, this Court, by order dated 16.10.2014, initially suspended the said order and, thereafter, the Writ Petition was disposed of on 27.11.2014 setting aside the proceedings dated 22.08.2014. Thereafter, the Enforcement Deputy Tahsildar, Proddatur visited the shop of the petitioner on 11.04.2015 but he did not find any variations on the said day. However, he submitted a report on 13.04.2015, based on which, the third respondent issued a show cause notice dated 21.04.2015 calling upon the petitioner to submit explanation. The petitioner submitted a detailed explanation on 28.04.2015. After considering the explanation, a final order was passed by the third respondent on 09.05.2015 cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner drew the attention of this Court to the previous litigation and the orders passed by this Court during the last one year.

The authorities repeatedly passed orders levelling allegations which show that either the petitioner is at fault or the authorities are at fault. This Court is not in a position to examine or cannot examine the same. However, now a final order was passed on 09.05.2015 cancelling the authorization issued in favour of the petitioner. Against the said order, an appeal is provided to the appellate authority. Till passing of the final order by the third respondent, the dealership of the petitioner was not suspended and he has been continuing to discharge his duties. Admittedly, the authorization of the petitioner was renewed upto 31.03.2016 which is not cancelled by the impugned order.

In the circumstances, this Court feels it a fit case not to suspend the authorization of the petitioner pending disposal of the appeal to be preferred by the petitioner. The petitioner is given time of 30 days for preferring appeal against the impugned order dated 09.05.2015, and the appellate authority shall dispose of the appeal within two months therefrom. If the petitioner does not file the appeal within thirty days, the authorization of the petitioner shall stand cancelled.

The Writ Petition is, accordingly, disposed of.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:03.06.2015

Note:CC one week

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