

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 16176 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.14 of Korlamanda Village, Vissannapeta Mandal, Krishna District, by the proceedings of the 4th respondent dated 22.02.2006. The authorization of the petitioner was renewed from time to time and it is extended up to 31.03.2016. While so, on a report submitted by the Deputy Tahsildar, a complaint under Section 6-A of the Essential Commodities Act 1955 was registered against the petitioner and some quantity of rice and kerosene was seized on 15.09.2014. The authorization of the petitioner was suspended by proceedings dated 24.10.2014. Ultimately, the proceedings ended in ordering confiscation of 100% of the value of the seized stock and the petitioner was directed to be careful in future. After conclusion of the 6-A proceedings, the proceedings were communicated to the 5th respondent with a direction to conduct a detailed enquiry for restoration of authorization of the dealer. The 5th respondent conducted the enquiry and submitted remarks on 02.02.2015 to the 4th respondent stating that there are no complaints against the petitioner. Based on the said report, the 4th respondent restored the authorization by proceedings dated 17.03.2015. When the essential commodities were not released to the petitioner subsequent to the restoration of the authorization, the petitioner filed W.P.No.9648 of 2015 and the same was disposed of on 07.04.2015 with a direction to the 5th respondent to release the essential commodities. The essential commodities were ultimately released on 02.05.2015. On the same day, a show cause notice was issued to the petitioner stating that on the representation of the villagers, a communication was received from the Secretariat of the Hon'ble Chief Minister to conduct an enquiry and submit a report. The petitioner submitted her explanation to the show cause notice on 08.05.2015 and the impugned proceedings were passed by the 4th respondent on 12.05.2015 merely stating that the explanation of the dealer was not convincing

and not believable. No reasons were assigned by the 4th respondent for coming to the said conclusion. In view of the previous litigation and in the facts and circumstances of the case, this Court is of the opinion that the order passed by the 4th respondent is on extraneous reasons. In the circumstances, the impugned order passed by the 4th respondent to the extent of suspending the authorization of the petitioner is set aside. But however the 4th respondent can conduct an enquiry pursuant to the show cause notice dated 02.05.2015 and complete the same after observing the principles of natural justice within a period of three months from the date of receipt of a copy of the order.

3. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

10th June, 2015

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