

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.1979 of 2015

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Date: 04-02-2015

Between

Sunku Swamy

... Petitioner

and

State of Telangana,
Rep. by Secretary,
Civil Supplies Dept.,
Secretariat, Hyderabad;
and 3 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.1979 of 2015

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Order:

Heard Smt. D.Pramada, learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. The petitioner is the dealer of Fair Price Shop No.2 of Kodakandla village in Gajwel Mandal of Medak district. The Assistant Supply Officer, Siddipet inspected the fair price shop on 20-01-2015 and found variation in the stocks of PDS rice and sugar, seized the stocks under

a panchanama and in consequence thereof, proceedings under Section 6A of the Essential Commodities Act, 1955 have been initiated against the petitioner.

The authorization of the petitioner was also suspended.

3. It is submitted by the learned counsel appearing for the petitioner that the initiation of proceedings under Section 6A of the E.C. Act cannot be the basis for suspending the authorization and also that the suspension of the authorization cannot be for an indefinite period and the order should specify the duration of suspension of the authorization. In support, the learned counsel relied on **Nune Varalakshmi v. Joint Collector (FAC), Kadapa**^[1], **R.Venkat Goud v. RDO, Kamareddy, Nizamabad**^[2] and **Azmeera Boopathi Nayak v. District Collector (Civil Supplies), Karimnagar**^[3]. Obviously, the order does not specify the period of suspension. Therefore, the order of suspension cannot be sustained in law.

4. In the above circumstances, the writ petition is disposed of setting aside the suspension order and with a direction to release the essential commodities to the petitioner till final orders are passed in the enquiry against him. It is needless to mention that the respondents are at liberty to conduct an enquiry against the petitioner on merits in respect of the said irregularities. The

miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

04th February, 2015.

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Note:-

Issue C.C. by 05-02-2015.

(B/o)

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HON'BLE SRI JUSTICE R.KANTHA RAO

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04th February, 2015.
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[\[1\]](#) 2011 (3) ALD 533
[\[2\]](#) 2011 (3) ALD 52
[\[3\]](#) 2008 (4) ALD 513