

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12093 of 2015

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in passing the order in proceedings No.C/654/2015, dated 14.04.2015, suspending the authorization of the petitioner fair price shop No.5108 of Puttapaka Village of Manthani Mandal of Karimnagar District, without assigning any reasons, without considering the explanation submitted by the petitioner, without giving any opportunity of hearing to the petitioner is violative of principles of natural justice, illegal and arbitrary, and consequently direct the respondents 2 and 3 to supply the commodities to the petitioner fair price shop enabling the petitioner to supply the same to the cardholders.

Heard and perused the records.

Learned counsel for the petitioner submits that basing on the proceedings under 6A of the Essential Commodities Act, 1955, fair price shop authorization cannot be cancelled or suspended. It is also contended that the second respondent has not considered the explanation submitted by the petitioner properly.

A reading of the impugned proceedings shows that no reasons are given by the second respondent except saying that the explanation of the petitioner is not satisfactory and also does not indicate the period of suspension. In view of the same, the impugned order, dated 14.04.2015, is set aside. However, this order will not preclude the second respondent from taking appropriate action from passing orders afresh.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, shall also stand disposed of.

JUSTICE RAJA ELANGO

23.04.2015
pln