

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.16811 of 2015

ORDER:

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

The petitioner was appointed as a fair price shop dealer of shop No.4 of Vizianagaram Town and Mandal by the fourth respondent. While so on 08.05.2013, the Deputy Tahsildar (CS), Vizianagaram, visited the shop along with his staff and seized some stocks. Pursuant to the report of the fourth respondent, proceedings under Section 6A of the Essential Commodities Act were initiated against the petitioner. After initiating 6A proceedings, the third respondent passed the impugned order on 18.05.2013 suspending the authorisation of the petitioner pending enquiry. Challenging the said order, the present Writ Petition is filed.

The third respondent knows that 6A proceedings are different from the proceedings for violation of Andhra Pradesh State Public Distribution System (Control) Order, 2008. In respect of the violation of the Control Order, no show cause notice was issued to the petitioner. The suspension of authorisation of the petitioner is not automatic in respect of the dealers, who violated the Essential Commodities Act and against whom 6A proceedings are initiated. If the third respondent wants to take any action, she has to issue a notice indicating the allegations against the petitioner with regard to the violations made under the Control Order. In the instant case, the authorisation was suspended merely on the ground that 6A proceedings are pending against the petitioner.

In the circumstances, the impugned order dated 18.05.2013 passed by the third respondent is set aside, and the Writ Petition is allowed. However, this should

not be construed as an expression of opinion on the pending 6A proceedings, and it is open to the second respondent to take necessary action in respect of 6A proceedings.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

15.06.2015

vs

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