

IN THE HIGH COURT OF JUDICATURE: AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.27955 of 2015

BETWEEN:

Chintu Venkataramana Murthy,
s/o. Viswanadham.

.. **Petitioner**

AND

The State of A.P.,
rep.by its Prl. Secretary,
(Civil Supplies Department),
A.P. Secretariat, Secretariat Buildings,
Hyderabad,
and 3 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 01.09.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| | |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| | |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.27955 of 2015

ORDER:

_____ Heard the learned counsel for the petitioner and the learned
Government Pleader for Civil Supplies for the respondents.

_____ The petitioner was appointed as fair price shop dealer of shop

No.34 situated at Gotivada Village of Jalumuru Mandal in Srikakulam District. On the basis of inspection conducted in the premises of the petitioner's shop on 17.05.2015, proceedings under Section 6-A of the Essential Commodities Act were initiated and they are pending. However, a show cause notice was issued to the petitioner by the third respondent-Revenue Divisional Officer, Tekkali on 22.05.2015 based on the report of the fourth respondent-Tahsildar, Jalumuru Mandal, dated 18.05.2015 and the petitioner submitted his explanation on 28.05.2015. Thereafter, it appears that another report was received from the fourth respondent and on the basis of said report, the authorization of the petitioner was suspended by the third respondent on 15.07.2015. Challenging the same, the present writ petition is filed.

A perusal of the impugned order shows that the shop was inspected on 17.05.2015 and there was an excess quantity of two quintals of rice and less quantity of 12 liters of kerosene oil. With regard to the two quintals of rice, the petitioner submitted his explanation stating that the same belongs to the Mandal Parishath Primary School, Gotivada Village and since the school was closed for summer vacation, as per the letter of the Head Master of said school, the said quantity of rice was kept in his fair price shop.

The third respondent did not think it fit to suspend the authorization initially, but after two months he passed the impugned order of suspension of the petitioner's authorization.

The petitioner had already submitted his explanation and only an enquiry has to be conducted in respect of the allegations levelled against him.

In the circumstances, the impugned order dated 15.07.2015 of the third respondent suspending the authorization of the petitioner is not warranted at this stage and is accordingly set aside. However, the third respondent is directed to conduct an enquiry in respect of the allegations levelled against the petitioner and complete the same within a period of two months from the date of receipt a copy of this order.

Accordingly, the writ petition is allowed to the extent indicated

above. There shall be no order as to costs. Miscellaneous Petitions, if
any, pending in this writ petition shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 01.09.2015

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