

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

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WRIT PETITION No.22944 OF 2015

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Between:

Dikshit Kishan.

.. Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary, Civil Supplies (CS-I) Department,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 24-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.22944 OF 2015

ORDER:

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

With the consent of both the parties appearing before this Court, these writ petitions are being disposed of by this common order.

The petitioner is a fair price shop dealer in Ranga Reddy District. The petitioner states that he has been arrayed as fifth accused in Crime No.424 of 2015, dated 05.07.2015, registered under Section 7 of the Essential Commodities Act. The petitioner further states, on the next day, i.e. 06.07.2015, the officials of the civil supply department inspected his shop and found no variation. In spite of the same, the second respondent, by the impugned proceedings dated 17.07.2015, suspended the dealership of the petitioner until further orders. Challenging the same, this writ petition is filed.

The learned Government Pleader for Civil Supplies confirmed the above facts. In view of the above facts, it is clear that no proceedings were taken against the dealer under the provisions of the Control Order, 2008 and on inspection of his shop, no variation was noticed.

It appears that the petitioner was arrayed as accused No.5, and belongs to fair price shop No.168, in Crime No.424 of 2015. In the absence of any proceedings under the Control Order, 2008 against the dealer before issuing appropriate show cause notice, no action can be taken suspending the dealership of the petitioner.

In the circumstances, this Court is of the opinion that the impugned order is contrary to law and is accordingly set aside at the admission stage.

Accordingly, the Writ Petition is allowed. However, this order will not prevent the second respondent-Revenue Divisional Officer, Saroornagar, Ranga Reddy District from taking appropriate action against the dealer, if he is found to have contravened the provisions of Andhra Pradesh State Public Distribution System (Control) Order, 2008, in accordance with law.

Miscellaneous Petitions, if any pending in these writ petitions, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 24.07.2015
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