

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 16759 of 2015

ORDER:

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

2. The petitioner is a regular Fair Price Shop dealer of Shop No.7 of Sivarampuram village, Tallur mandal, Prakasam district. He was maintaining regular registers of sale and stock. While so, based on a complaint made by some persons, the Food Inspector, Podili, inspected his shop on 09.04.2015 and seized some stock which led to the initiation of proceedings under Section 6A of the Essential Commodities Act. Based on the report of the Deputy Tahsildar (Enforcement) dated 18.04.2015, the 2nd respondent issued Show Cause Notice on 18.04.2015 asking the petitioner to submit his explanation to the sole charge of variation in stock within a period of seven days. The petitioner submitted a detailed explanation on 27.04.2015 and it is submitted by the learned counsel for the petitioner that when the same was not received in the office, he sent it by registered post on 27.04.2015. The petitioner also filed a detailed explanation on 30.05.2015. Without considering the same, the impugned order was passed by the 2nd respondent on 15.05.2015 suspending the dealership, pending enquiry, while giving time till 30.05.2015. Challenging the same, the present writ petition is filed.

3. This Court perused the evidence submitted by the learned counsel for the petitioner with regard to the submission of explanation through post on 27.04.2015 and since the impugned order is passed on 15.05.2015, the said explanation would have reached the respondent before that date. However, it is recorded in the impugned order that the explanation was not submitted by the petitioner. However, the 2nd respondent did not think it fit to suspend the authorization initially while issuing show cause notice and there are no circumstances warranting the suspension of dealership at a later point of time.

4. In the circumstances, the suspension of dealership of the petitioner by the impugned order dated 15.05.2015 is set aside and the 2nd respondent is given liberty to conduct enquiry in accordance with law and complete the same within a period of three months from the date of receipt of a copy of this order. It is needless to observe that the 2nd respondent should observe principles of natural justice and give sufficient opportunity to the petitioner before passing a reasoned order.

5. The writ petition is, accordingly, disposed of. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

12th June, 2015

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