

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.4470 of 2015

ORDER:

Heard Sri K.B. Ramanna Dora, learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies- Respondents 1 to 7.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the 4th respondent in issuing the show cause notice in Rc.No.14/2015 CS, dt. 05.01.2015 under Section 6(A)(i) of the Essential Commodities Act, 1955, calling for the explanation from the employee of the petitioner, though the authorisation is in the name of the petitioner-society, as illegal and arbitrary.

3. The authorisation of the F.P. shop of Singupuram Village of Srikakulam Mandal and District is in the name of the petitioner-Society, represented by its President, which fact is not in dispute. According to the respondents, the fair price shop was inspected by the Inspector of Police, Vigilance & Enforcement Department along with the staff on 12.12.2014 and they found one Jami Malleswara Rao, present in the fair price shop and they directed him to produce the concerned registers for verification before them and they were seized.

4. However, it seems that without asserting in whose name the authorisation is granted, a show cause notice was issued to the said Jami Malleswara Rao, who is stated to be the sales man in the said shop and his explanation was sought for. He submitted the explanation. In spite of the said fact, the respondents stopped allotting the essential commodities to the F.P. shop of the petitioner-society. The entire approach of the respondents in proceeding against the sales man of the society is wholly illegal and unsustainable.

5. Under these circumstances, the writ petition is disposed of, directing the respondents to allot the essential commodities to the F.P. shop of the petitioner-society. This order, however, does not preclude the respondents from initiating the action against the petitioner-society in respect of any irregularities, if any, found during the course of inspection. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

R. KANTHA RAO, J

Date: 26.02.2014
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