

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.2951 of 2015

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Date: 12-02-2015

Between

Siva Ramanjaneyulu

... Petitioner

and

The State of A.P.,
Rep. by its Prl. Secretary,
Consumer Affairs, Food and
Civil Supplies Dept.,
A.P. Secretariat, Hyderabad;
and 3 others

... Respondents

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Order:

Heard Sri K.V. Raghuveer, learned counsel
appearing for the petitioner and the learned Government
Pleader for Civil Supplies appearing for the
respondents.

2. The petitioner is the dealer of Fair Price Shop
No.33 of Mettupalli village in Peapully Mandal of Kurnool
district. The Tahsildar, Peapully inspected the fair price

shop on 08-4-2014 and 09-4-2014, and found variation in the stocks of PDS rice, seized the stocks under a panchanama and in consequence thereof, proceedings under Section 6A of the Essential Commodities Act, 1955 have been initiated against the petitioner.

The authorization of the petitioner was also suspended.

3. It is submitted by the learned counsel appearing for the petitioner that the initiation of proceedings under Section 6A of the E.C. Act cannot be the basis for suspending the authorization and also that the suspension of the authorization cannot be for an indefinite period and the order should specify the duration of suspension of the authorization. In support, the learned counsel relied on **Nune Varalakshmi v. Joint Collector (FAC), Kadapa**^[1], **R.Venkat Goud v. RDO, Kamareddy, Nizamabad**^[2] and **Azmeera Boopathi Nayak v. District Collector (Civil Supplies), Karimnagar**^[3]. Obviously, the order suspending the authorisation is for indefinite period. Further, inspite of the order passed by the Joint Collector, Kurnool in the appeal to complete the enquiry within four weeks, the enquiry has not been completed by the Revenue Divisional Officer, Kurnool. Therefore, the order of suspension cannot be sustained in law.

4. In the above circumstances, the writ petition is

disposed of setting aside the suspension order dated 21-4-2014 passed by the 3rd respondent with a direction to release the essential commodities to the petitioner till final orders are passed in the enquiry against him. It is needless to mention that the respondents are at liberty to conduct an enquiry against the petitioner on merits in respect of the said irregularities. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

12th February, 2015.
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HON'BLE SRI JUSTICE R.KANTHA RAO

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12th February, 2015.
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[1] 2011 (3) ALD 533

[2] 2011 (3) ALD 52

[3] 2008 (4) ALD 513