

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3940 of 2009

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16.09.2015

Between:

B.Eadaiah

.. Petitioner

and

The Revenue Divisional Officer, Bhongir and another

.. Respondents

Counsel for the petitioner: Mr.S.Rahul Reddy
for Mr.S.Lakshma Reddy

Counsel for the respondents: Government Pleader
for Civil Supplies (TS)

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The Court made the following:

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ORDER:

This writ petition is filed by the petitioner, who is the fair price shop dealer of shop No.1 of Thumalagudem Village, Ramannapet Mandal, Nalgonda District, with the grievance that the respondents have stopped the supply of the essential commodities to him only on the ground of initiation of proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') against him.

This Court, by order, dated 27.02.2009, in W.P.M.P.No.5152 of 2009, granted interim direction to the respondents to issue the essential commodities to the petitioner as long as his authorization is not suspended or cancelled.

In the counter-affidavit filed by respondent No.2, it is, *inter alia*, stated that during the inspection of the petitioner's fair price shop, variations in the essential commodities were detected and accordingly, proceedings under Section 6-A of the Act were initiated against him and that pending the said proceedings, the supply of essential commodities was stopped.

From the contents of the counter-affidavit, it is seen that no order suspending the petitioner's fair price shop authorization was passed.

In my opinion, stoppage of essential commodities based on the initiation of proceedings under Section 6-A of the Act is not sustainable in law as the scope of the proceedings under Section 6-A of the Act is different from that of the disciplinary proceedings. Unless separate proceedings have been initiated with regard to the fair price shop authorization of the petitioner by the competent authority, mere initiation of proceedings under Section 6-A of the Act would not authorize the respondents to withhold the essential commodities.

As the petitioner is stated to be functioning as the fair price shop dealer in pursuance of the interim direction granted by this Court, the respondents are directed to continue him as such in future so long as his fair price shop authorization remains in force.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.V.M.P. (SR)No.84516 of 2009 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

16th September, 2015

GHN