THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 12209 of 2015

ORDER:

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

2. The petitioner is a Fair Price Shop Dealer in respect of Shop No.48 of M.Nidamaluru Village, Tanguturu Mandal, Prakasam District. While so, based on the report of the 5th respondent, the 3rd respondent issued a show cause notice framing three charges against the petitioner and called for his explanation by proceedings dated 09.04.2015. Challenging the said order, the present writ petition is filed.

3. The 3rd respondent filed a counter affidavit stating that the petitioner has not offered his explanation till date, though he was issued with a show cause notice on 09.04.2015. As there was a serious allegation of diversion of essential commodities into black market, the fair price shop of the petitioner was broke open in his absence. If the petitioner offers his explanation, the 3rd respondent would adjudicate the matter depending on the merits of the case.

4. The learned counsel for the petitioner submits that the authorities ought not to have broke open the lock of the shop in the absence of the petitioner and they have high handedly opened the shop and issued the impugned proceedings dated 09.04.2015 levelling false allegations. The respondents have also initiated proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act').

5. The learned Government Pleader submits that the proceedings under 6-A of the Act have not yet been concluded and there are serious allegations against the petitioner. He further submits that the enquiry, which was scheduled to be conducted

on 20.04.2015, was adjourned to 11.05.2015 and a notice was also issued to the petitioner. He further submits that in spite of affording sufficient opportunities, the petitioner did not submit his explanation.

6. In view of the above facts, this Court is not inclined to admit the writ petition. However, liberty is given to the petitioner to submit his explanation to the charges leveled against him. As and when the petitioner submits his explanation, the respondents 2 and 3 shall complete the enquiry within a period of three months from the date of receipt of explanation from the petitioner.

7. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

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(A.RAMALINGESWARA RAO, J)

8th June, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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