

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.24586 of 2015

BETWEEN:

P. Shankar Reddy

.. Petitioner

AND

The State of A.P.,
rep.by its Secretary to Government,
Consumer Affairs, Food and Civil Supplies,
Secretariat Building, Hyderabad.
and 3 others.

..

Respondents

DATE OF JUDGMENT PRONOUNCED: 06.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| | |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| | |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.24586 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned
Government Pleader for Civil Supplies appearing for the respondents.

The petitioner is a fair price shop dealer of shop No.11 of
Kamminayanipalli Village, Paddapanjani Mandal, Chittoor District. While

so, the fourth respondent-Tahsildar, Paddapanjani Mandal inspected the shop of the petitioner on 15.06.2015 and found some variation in the stock, in respect of which, proceedings under Section 6-A of Essential Commodities Act were initiated and they are pending. The third respondent/Sub-Collector, Madanapalle, issued a show cause notice on 19.06.2015 levelling five charges including the charge relates to variation in quantities, giving seven days time to the petitioner to submit his explanation. The petitioner submitted his explanation on 26.06.2015. Even before receipt of the explanation, the third respondent suspended the authorization of the petitioner, by order dated 22.06.2015. Challenging the same, the present writ petition is filed.

It appears that the third respondent took the action pursuant to the report of the fourth respondent, dated 16.06.2015 who found some variation in the stock on his inspection on 15.06.2016. A show cause notice was issued on 19.06.2015 based on the report dated 16.06.2015 giving seven days time to the petitioner to submit his explanation. The petitioner submitted his explanation within the said period of seven days. Even without waiting for receipt of the explanation within the prescribed time, the impugned order was passed on 22.06.2015. The first charge relates to variation of quantities and in respect of which, 6-A proceedings were initiated and they are pending. The fifth charge relates to non-renewal of authorization of the petitioner beyond 31.03.2015.

The learned counsel for the petitioner brought to the notice of this Court that on 13.03.2015 the petitioner paid Rs.500/- through challan for renewal of his authorization and therefore, it cannot be said that the petitioner has not renewed his authorization.

In the circumstances, this Court feels that the order of suspension is irregular and accordingly, the impugned order dated 22.06.2015 to the extent of suspension of authorization of the petitioner is set aside. However, the third respondent is given liberty to conduct an enquiry by considering the explanation of the petitioner and giving due opportunity to him during the course of enquiry and pass final orders thereon, within three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed to the extent indicated

above. There shall be no order as to costs.

The miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 06.08.2015
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