THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.20892 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.21, Nehru Nagar, Macherla, Guntur District, under Rajiv Yuva Kiranalu (RYK) Scheme. While so, the second respondent inspected the shop on 25.06.2015 and in respect of irregularities, action was taken under Section 6A of the Essential Commodities Act. No disciplinary proceedings alleged to have been taken for violation of the Control Order. However, the Deputy Tahsildar (CS), Macherla Mandal, passed an order seizing the stock and keeping the same in the safe custody of one Sri V.V.Rami Reddy, VRO, Macherla Mandal. He also passed an order on 03.07.2015 to the MLS Point Incharge, Macherla, informing him that in respect of shop Nos.15 and 21 incharge dealers would be appointed. Challenging the said order, the present Writ Petition is filed.

It is clear from the above facts that proceedings under Section 6A of the Essential Commodities Act were initiated against the petitioner and they are pending. However, the Deputy Tahsildar (CS) has no jurisdiction to change the dealership and the said power is vested in the Revenue Divisional Officer only. In the circumstances, the order passed by the Deputy Tahsildar (CS), dated 03.07.2015, appointing the seventh respondent as incharge dealer in respect of shop No.21 held by the petitioner, is clearly illegal and without jurisdiction.

In view of the above, the Writ Petition is allowed setting aside the order, dated 03.07.2015, addressed to the MLS Point Incharge, Macherla. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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(A.RAMALINGESWARA RAO, J)

08.07.2015
vs