

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.8686 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 5.

This Writ Petition is filed seeking to declare the action of the respondents in not continuing the petitioner as dealer of fair price shop No.10 of Machavaram Village, Kandukur Mandal, Prakasam District, as arbitrary and illegal.

While the petitioner was undergoing treatment in the hospital, the 5th respondent inspected the fair price shop of the petitioner, forced his assistant to open the shop, conducted panchanama and seized certain stocks. According to the panchanama, there was shortage of 2-01 quintals of rice. Pursuant to the same, the petitioner submitted a representation dated 17.03.2015 to the 2nd respondent-Joint Collector (CS) Prakasam District, to conduct enquiry and issue necessary proceedings to continue him as fair price shop dealer before initiation of proceedings under Section 6-A of the Essential Commodities Act as his authorization was neither suspended nor cancelled and it is still subsisting.

The grievance of the petitioner is that the stocks were not properly weighed and the quantity of stock mentioned in the panchanama is totally incorrect and he seeks a direction to get the stocks weighed through the 3rd respondent.

Since the respondents have not taken any decision as to continuing the petitioner as dealer of aforesaid fair price shop, I am of the view that this Court is not supposed to issue any such

direction. However, the petitioner can make a representation to the 3rd respondent to get the stocks weighed properly, and on such representation, the 3rd respondent is directed to weigh the stocks properly before taking any decision. It is further directed that the petitioner shall be continued as fair price shop dealer during subsistence of his authorization. However, this order does not preclude the respondent-authorities from conducting regular enquiry into the allegations levelled against the petitioner.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE R. KANTHA RAO

31st March, 2015

rkk

Note: Issue CC by two days.

