

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Writ Petition No.36938 of 2015

ORDER :

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

2. In this writ petition, an order dt.31.10.2015 under Section 6A of the Essential Commodities Act, 1955 (for short 'the Act') confiscating the stocks of the petitioner, who is a license holder for pulses, is questioned.

3. The said order does not disclose that any show cause notice as contemplated under Section 6B of the Act was issued to the petitioner giving him an opportunity to make a representation in writing within a reasonable time and no reasons are furnished in the said order. It is shocking that a person of the cadre of a District Collector, such as 2nd respondent, can ignore the mandatory provisions of the Act and pass an order of this nature. It is clear that 2nd respondent has no concept of the provisions of the Act or about the concept of natural justice which includes giving of a show cause notice, fixing time for submitting explanation, considering the explanation and then passing a reasoned order.

4. The learned Government Pleader for respondents does not dispute the fact that the impugned order suffers from the defect of gross violation of Section 6B of the Act and that it does not contain any reasons either.

5. Therefore, the Writ Petition is allowed; the impugned order is set aside; the consequential proceedings directing disposal of the stocks seized from the petitioner's business premises shall also stand set aside; and the same are directed to be restored to the petitioner. However, this does not preclude the 2nd respondent from issuing a show cause notice under 6B of the Act and passing a fresh order if required, by following due process of law and the principles of natural justice. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

13th November, 2015.

Note: Issue C.C. in one week.

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