

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.24405 of 2015

ORDER :

In this Writ Petition, the petitioners question the order dt.16.05.2013 of 4th respondent cancelling petitioner's Fair Price Shop dealership authorization on the sole ground that orders had been passed in a case under Section 6-A of the Essential Commodities Act, 1955 (for short, 'the Act') by 3rd respondent confiscating the stocks seized from petitioner's Fair Price Shop.

2. A Division Bench of this Court in **M. Shashikala v.**

Collector, Mahaboobnagar and another^[1] has held that the nature of proceedings under Section 6-A of the Act and proceedings for cancelling of suspension of authorization under Clause 3 (4) of the Control Order i.e., the Andhra Pradesh Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973 (for short, 'the Control Order') are distinct and different; that authorities under the said Act and the Control Orders for initiating proceedings are also different and distinct; that the concerned statutory authorities on whom power is conferred have to act independently and objectively; and that the Appointing Authority under Clause 3 (4) of the Control Order has to take an independent decision in the

matter instead of mechanically following orders that may be passed under Section 6-A of the Act.

3. In the present case, the impugned order dt.16.05.2013 is passed cancelling the petitioner's Fair Price Shop under the APSPDS Control Order, 2008 solely on the basis of the order dt.22.08.2012 passed by the 2nd respondent in proceedings under Section 6-A of the Act.

4. Therefore, in view of the Division Bench judgment since there is no independent application of mind by 4th respondent, the impugned order dt.16.05.2013 is set aside. Therefore, the Writ Petition is allowed. No order as to costs.

5. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 07.12.2015

Ndr/*

[\[1\]](#) 1997 (2) ALD 379 (D.B.)