

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 31660 of 2015

DATED 29th September, 2015

BETWEEN

P.Vishwanatham

...Petitioner

And

The State of Telangana,
Consumer Affairs, Food and Civil Supplies Department,
Rep. by its Secretary to Government,
Telangana Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 31660 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner was appointed as Fair Price Shop Dealer for shop No. 4 of Sadasivpet Town and Mandal, Medak District. The authorization of the petitioner is valid till 31.3.2016. The petitioner supplied commodities to the cardholders for the month of August, 2015. While so, the Deputy Tahsildar inspected the fair price shop of the petitioner on 25.8.2015. Thereafter a show cause notice was issued by the second respondent on 8.9.2015 alleging one irregularity against the petitioner. When the third respondent passed the impugned order making in-charge arrangement to the fair price shop run by the petitioner, the present Writ Petition is filed.

A perusal of the impugned order dated 10.09.2015 passed by the third respondent shows that the Deputy Tashildar, Civil Supplies, Sadssivapet submitted a report under Section 6-A of the Essential Commodities Act to the second respondent alleging certain irregularities against the petitioner. Thereafter the second respondent issued a show cause notice to the petitioner on 8.9.2015. However, the authorization of the petitioner is still in force and valid as of today. In the circumstances, the third respondent ought not to have disturbed the dealership of the petitioner. If any action is required to be taken against the petitioner/dealer, it has to be taken by the second respondent only and the third respondent has no jurisdiction to take action in respect of the dealership of the petitioner. In the circumstances, the impugned order dated 10.09.2015 passed by the third respondent is set aside.

The Writ Petition is allowed accordingly at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 29th September, 2015.
Msnr_x