

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17249 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer on 07.03.2015. While so, when the petitioner was not present on 16.05.2015, the fair price shop was inspected and noticed some variation in stock. Proceedings, under Section 6-A of the Essential Commodities Act, 1955, were initiated pursuant to inspection. Based on the report of the fourth respondent, show cause notice dated 25.05.2015 was issued to the petitioner, and the impugned order was passed on 05.06.2015 suspending his authorization pending enquiry. Challenging the said order, the present Writ Petition is filed.

Learned counsel for the petitioner submits that the report submitted by the fourth respondent is not correct and, if the shop was opened, it would have reflected the correct stock. He also submitted that, though the petitioner submitted his explanation, the explanation was not considered in proper perspective, and the impugned order of suspension of authorization was passed.

At this stage, this Court cannot enquire with regard to the above submissions, and it is for the third respondent to conduct an enquiry into the allegations. In the circumstances, the Writ Petition is disposed of directing the third respondent to conduct an enquiry in respect of the allegations levelled against the petitioner in the show cause notice dated 25.05.2015, and specifically verify the stock, which is in the shop in a sealed condition, as the learned counsel for the petitioner disputes the report submitted by the fourth respondent. The enquiry to be conducted by the third respondent shall be completed, duly observing principles of natural justice, within a period of sixty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of at the stage of admission.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:17.06.2015

Note:CC one week

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