

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.406 of 2009

Dated 16.09.2015

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Between:

B.Panduranga Rao

... Petitioner

and

-

Revenue Divisional Officer

Bandar, Krishna District

...Respondent

Counsel for the Petitioner: None appeared

Counsel for the respondent: AGP for Civil Supplies (AP)

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to set aside proceeding No.RCC1572/2008, dated 06-01-2009, of the respondent whereby he has suspended the petitioner's fair

price shop authorisation pending finalisation of proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act').

This Court, while admitting the Writ Petition, on 19.01.2009, ordered *status quo* as on that date to continue and observed that the said order will not preclude the authorities concerned from conducting a detailed enquiry into the matter and taking further action as per law.

No counter-affidavit has been filed.

Today, at the hearing, the learned Assistant Government Pleader for Civil Supplies (AP) submitted that the proceedings under Section 6-A of the Act have been finalized and penalty was imposed on the petitioner. He is, however, unable to state whether the respondent has passed a final order after enquiry or not.

The inertia of the respondent in proceeding further, despite grant of liberty by this Court, cannot be appreciated. Further, the scope of the proceedings under Section 6-A of the Act being different from that of the departmental proceedings, the respondent has erroneously linked continuance of suspension order to the conclusion of the proceedings under Section 6-A of the Act. The respondent is, therefore, directed to hold an independent enquiry without regard to the proceedings under Section 6-A of the Act wherein he shall give an opportunity of hearing to the petitioner and pass a final order within two months from the date of receipt of this order. Till this exercise is completed, the *status quo* existing as on today shall be continued.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.480 of 2009, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 16th September, 2015

LUR