IN THE HIGH COURT OF JUDICATURE: AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.27715 of 2015

BETWEEN:

Peddaprolu Basavaiah,
S/o. Kotaiah.

.. **Petitioner**

AND

The State of Telangana,
rep.by its Commissioner of Civil Supplies
Department and Ex-Officio Secretary,
3rd floor, Civil Supplies Bhavan,
Somajiguda, Hyderabad,
and 3 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 31.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be marked to Law Reporters/Journals. YES/NO

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment ? YES/NO

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.27715 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.11002 situated at Peddabeeravalli Village of Bonakal Mandal in

Khammam District. The shop was inspected on 29.10.2014 by the fourth respondent-Mandal Revenue Inspector-II, Office of the Tahsildar, Bonakal Mandal, along with Village Revenue officers. Some variation in the stock was noticed which resulted in proceedings under Section 6-A of the Essential Commodities Act. The said 6-A proceedings were disposed of on 16.04.2015 ordering confiscation of the entire seized stock to the Government. On the basis of said 6-A proceedings, a show cause notice was issued to the petitioner on 24.07.2015 and the petitioner submitted his explanation on 30.07.2015. After considering the explanation, the impugned order of cancellation of authorization was passed on 21.08.2015. Challenging the same, the present writ petition is filed.

A perusal of the sequence of events and the impugned order of cancellation show that the present order was passed pursuant to the final orders passed in 6-A proceedings by the second respondent-Joint Collector(CS), Khammam. The show cause notice also does not specify any separate irregularity or clear grounds alleged against the petitioner except mentioning the report of the Mandal Revenue Inspector. No enquiry was conducted for the alleged irregularities. The third respondent is aware that the proceedings under Section 6-A of the Essential Commodities Act are different to the proceedings for violation of Control Order. When the third respondent initiated proceedings for violation of the provisions of Control Order, he should have followed the said provisions before passing the impugned order. The charges were also vague and they are solely based on the report of the Mandal Revenue Inspector.

In the circumstances, the impugned order dated 21.08.2015 of the third respondent cancelling the authorization of the petitioner is set aside and the matter is remanded to the third respondent to issue a fresh show cause notice to the petitioner clearly specifying the grounds raised against the petitioner and invite his explanation, conduct an enquiry and pass final orders thereon, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 31.08.2015
lsn