

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

* * * *

WRIT PETITION Nos.22302 and 23001 of 2015

W.P.No. 22302 of 2015

Between:

Bandi Poleswararao

.. Petitioner

And

The State of A.P.,
Rep. by its Secretary, Civil Supplies (CS-I) Department, Secretariat,
Hyderabad and others.

.. Petitioners

DATE OF JUDGMENT PRONOUNCED: 17-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

—
WRIT PETITION Nos.22301 and 22302 of 2015
—

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order in view of the same cause of action.

W.P.No.22302 of 2015 was filed challenging seizure of stocks in fair price shop No.45 at Aminabad Village, U.Kothapalli Mandal, East Godavari District on 06.07.2015 as illegal. W.P.No.23001 of 2015 was filed challenging the order dated 09.07.2015 which was served on the petitioner on 18.07.2015.

The petitioner was appointed as a fair price shop dealer of shop No.45 at Aminabad Village, U.Kothapalli Mandal, East Godavari District and his authorization was renewed upto 31.03.2015. While so, the shop of the petitioner was inspected on 06.07.2015 and some variation was noticed in the quantity of PDS rice. The stock was seized and 6A proceedings are pending before the Joint Collector, East Godavari District. However, in respect of the said variation in quantity, and based on the report of the Tahsildar, Kakinada, the authorization of the petitioner was suspended.

Since the order of suspension was issued till finalisation of the case, it was construed that the suspension was pending 6A proceedings before the Joint Collector, East Godavari District. The Revenue Divisional Officer, Kakinada, who was the appointing authority, is well aware that the proceedings under Andhra Pradesh State Public Distribution System (Control) Order, 2008 are different from proceedings under Section 6A of the Essential Commodities Act. It appears that no show cause

notice was issued to the petitioner in respect of the proposed enquiry. The enquiry has to be conducted by the Revenue Divisional Officer, Kakinada, in respect of the allegations against the petitioner.

In these circumstances, these two Writ Petitions are disposed of directing the Revenue Divisional Officer, Kakinada, to issue appropriate show cause notice to the petitioner if he wants to proceed with the enquiry within a period of fifteen days from the date of receipt of a copy of the order. If the petitioner is given fifteen days time for submission of explanation and, after receipt of explanation, the Revenue Divisional Officer, Kakinada, shall complete the enquiry within sixty days thereafter, and pass final orders, after giving due opportunity to the petitioner to submit his case. In view of pendency of enquiry before the Joint Collector and Revenue Divisional Officer, Kakinada, it cannot be held that seizure of stock on 06.07.2015 is illegal.

Hence, W.P.No.22302 of 2015 is dismissed and W.P.No.23001 of 2015 is disposed of subject to the above observations.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:17.08.2015
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