

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 30787 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner was appointed as fair price shop dealer of shop No.17 of Pathayellapur village, Khanapur Mandal, Adilabad District. Basing on a newspaper report with regard to diversion of kerosene of 200 liters, the 2nd respondent issued an order of suspension of authorization of the petitioner's fair price shop dealership on 22.08.2015. Challenging the said order, the present writ petition is filed.

A perusal of the order shows that the 3rd respondent had informed the 2nd respondent with regard to initiation of the proceedings under Section 6A of the Essential Commodities Act, 1955 (for short, 'the Act'), against the petitioner for contravention of provisions of the Act, and on the basis of the said report, the 2nd respondent suspended the authorization of the petitioner's fair price shop, and so far, no show cause notice was issued to the petitioner even after one month. The pendency of 6A proceedings are different from the proceedings that have

to be taken by the 2nd respondent for contravention of the provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (for short, 'Control Order, 2008'). The 2nd respondent should have initiated appropriate proceedings consequent to the order of suspension by issuing show cause notice, inviting explanation from the petitioner and conducting enquiry, but he did not initiate that process. Therefore, the 2nd respondent is directed to issue a show cause notice to the petitioner in respect of the alleged contravention of the Control Order, 2008, invite explanation from the petitioner and conduct an enquiry in respect of the said allegation. The entire process should be completed within a period of sixty days from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

RAO, J

A. RAMALINGESWARA

Date: 22nd September, 2015

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