

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17313 of 2015

ORDER:

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Heard the learned Counsel for the petitioner and 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 of shop No.410, Moosapet, Balanagar Mandal, Ranga Reddy District. Her authorization was valid till 31.03.2015, and she submitted challan for renewal of authorization. While so, the Vigilance and Enforcement Officers visited the fair price shop on 28.05.2015, and seized some stock on the allegation that there was variation in the stock. Proceedings, under Section 6-A of the Essential Commodities Act, 1955, were initiated against the petitioner. The impugned proceedings dated 06.06.2015 were issued by the second respondent suspending the authorization of the petitioner on the ground that a benami person is running the fair price shop. Challenging the said order, the present Writ Petition is filed.

The only allegation, on which the impugned proceedings are passed, is that a benami person is running the shop instead of original dealer. The said allegation can be enquired into without suspending the authorization also as there cannot be any possibility for tampering the records. Whether the fair price shop is run by a benami person or not can be enquired into by independent evidence.

In the circumstances, the impugned order dated 06.06.2015, to the extent of suspending the authorization of the petitioner, is set aside. But, however, the second respondent can proceed with the enquiry and complete the same by passing final orders within a period of ninety days from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending, if any, shall stand disposed of. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Date:17.06.2015

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