

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.36119 OF 2015

ORDER :

The petitioner in this writ petition has questioned the order of cancellation of fair price shop authorization by the 4th respondent.

2. Counsel for petitioner contended that the entire basis of the order of cancellation is the order dt.30.05.2015 passed by the 2nd respondent under Section 6A of the Essential Commodities Act, 1955 (for short 'the Act') and that there is no independent application of mind as mandated by a Division Bench this Court in ***M.Shashikala v. Collector, Mahaboobnagar & Anr.***

3. The learned Government Pleader for respondents does not dispute the fact that there was no independent enquiry by the 4th respondent while passing the impugned order and that he simply relied upon the order passed by the 2nd respondent under Section 6A of the Act.

4. Since this is *prima facie* impermissible as per the above Division Bench judgment, the impugned order is set aside. Liberty is granted to the 4th respondent to conduct fresh enquiry into the allegations against the petitioner and independently decide the said issue without reference to the order under Section 6A of the Act passed by the 3rd respondent.

5. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

05th November, 2015.

gra