

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.5298 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the 3rd respondent in not restoring the authorization of the petitioner in spite of his acquittal from criminal case in C.C.No.302 of 2012 on the file of the IV Additional Junior Civil Judge, Guntur, as arbitrary and illegal.

The petitioner is the dealer of fair price shop No.158, Guntur City. While so, the 3rd respondent along with the Vigilance and Enforcement Officials, intercepted auto bearing No.AP07-TU-2909 containing a load of 60 white coloured rice bags. On the allegation that the alleged stock was loaded at the fair price shop of the petitioner, they seized the available stock in the fair price shop and registered a case under Section 6-A of the Essential Commodities Act against the petitioner. Based on the report submitted by the 2nd respondent, show cause notice was issued to the petitioner alleging that he indulged in clandestine business and sold the stocks to unauthorized persons at higher rates. The petitioner submitted his detailed explanation to the said show cause notice. Thereafter, the 2nd respondent suspended the authorization of the petitioner. Cr.No.267 of 2012 under Section 420 IPC and Section 7 of the Essential Commodities Act, 1955 was registered against the petitioner and the same was numbered as C.C.No.302 of 2012 on the file of the IV Additional Junior Civil Judge, Guntur. After

conducting full-fledged trial, the learned Judge found the petitioner not guilty of the offence and thereby, acquitted him. Thereafter, the second respondent, after conducting detailed enquiry, *vide* order dated 1.9.2014 directed release of the stocks seized from the fair price shop of the petitioner. Subsequent thereto, the petitioner approached the 3rd respondent, submitted a representation dated 6.2.2015, under Clause 7 of the Andhra Pradesh State Public Distribution System (Control) Order, 2008, along with copy of the judgment in C.C.No.302 of 2012 and the order passed by the 2nd respondent, But so far no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that as per the said Clause, the authorization of the petitioner shall be restored, but the 3rd respondent has been dodging the matter without restoring his authorization.

In view of the above, the 3rd respondent is directed to consider and dispose of the representation dated 6.2.2015 whereunder the petitioner sought restoration of his authorization in view of his acquittal in the criminal case, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

4th March, 2015

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