

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17346 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The petitioner is a Fair Price Shop Dealer of Shop No.10 of Yelchuru Village, Santhamaguluru Mandal, Prakasam District. While so, on 16.05.2015 the Food Inspector, Addanki, inspected the shop and noticed some variation. He conducted a panchnama on the same date and sent a report to the respondents 2 and 3. Based on the said report, 6-A proceedings were initiated and now the case is pending before the 2nd respondent. The petitioner submitted a representation on 19.05.2015 stating that the Food Inspector has not properly verified the seized stock and there are no variations. The fact of submission of the said representation was mentioned in the impugned order which was passed on 25.05.2015 by the 2nd respondent, but the 2nd respondent chose to order distribution of the seized stock to the cardholders.

3. The learned counsel for the petitioner submits that the variation would not be there, had the correct measurement of the stocks been done by the Food Inspector. Since the Food Inspector failed to do so, the petitioner submitted a representation through her advocate on 19.05.2015 and even though the same was considered by the 2nd respondent, no orders were passed on the said representation. If the stock is properly measured and quantified, the entire case goes in her favour. In the circumstances, the 4th respondent is directed to measure the stock, which is given to the custody of Fair Price Shop Dealer of Shop No.6 of Yelchuru Village, Santhamaguluru Mandal, and submit a report to the 2nd respondent, and the 2nd respondent shall review the impugned order, if there is any variation in the quantities recorded. Till such time, the impugned order dated 25.05.2015 shall not be implemented, if it is not already implemented. The entire exercise shall be completed within a period of 15 days from the date of receipt of a copy of the order.

4. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

17th June, 2015

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