

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10590 of 2016

DATED 01ST APRIL, 2016

BETWEEN

R,.Srinivas Goud

...Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Department of Civil Supplies,
Secretariat, Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10590 of 2016

ORDER:

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The order of the third respondent vide proceedings No.C/46/2016, dated 16.03.2016 cancelling the Fair Price Shop authorization of the petitioner is challenged in the present Writ Petition.

The petitioner was appointed as Fair Price Shop Dealer for Shop No.291 of Vijayapuri colony, Uppal Mandal, RR District and his authorization is valid up to 31.03.2017. While so, on 20.12.2015 the fourth respondent along with his staff inspected the fair price shop of the petitioner and found variation in stock. Pursuant to the report submitted by the fourth respondent, the third respondent initiated proceedings under Section 6-A of the

Essential Commodities Act and without issuing any prior notice, cancelled the authorization of the petitioner through proceedings dated 16.03.2016. Challenging the same, the present Writ Petition is filed.

A bare perusal of the impugned order dated 16.03.2016 reveals that no prior notice nor any show cause notice has been issued to the petitioner before passing the impugned order cancelling the authorization of the petitioner. Further, the impugned order states that the authorization of the petitioner is valid up to 31.03.2013 and thereafter the authorization of the petitioner has not been renewed. If that be so, cancellation of authorization of the petitioner does not arise. All these aspects can be gone into by the appellate authority in the appeal to be preferred by the petitioner against the impugned order dated 16.03.2016.

In view of the above, the petitioner is given liberty to prefer an appeal against the impugned order dated 16.03.2016 within a period of two weeks from the date of receipt of a copy of the order. Within four weeks thereafter, the appellate authority shall consider and dispose of either the appeal or interlocutory application to be filed along with the appeal, on merits and in accordance with law, by duly providing opportunity of being heard to the petitioner. Till the disposal of the appeal or interlocutory application by the appellate authority, there shall be stay of operation of the impugned order dated 16.03.2016. It is further made clear that if the petitioner failed to prefer an appeal as directed supra, the stay granted by this Court shall stand automatically vacated without reference to the order of

this Court.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 1ST APRIL, 2016.
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