

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31951 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondent Nos.2 to 5 in not releasing the stocks as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

3. The petitioner was appointed as fair price shop dealer in respect of shop No.21, Janagam Village, Domakonda Mandal, Nizamabad District, in the year 1992. It is the case of the petitioner that he has been distributing the essential commodities to the card-holders without any complaint. On 08.9.2016, while the petitioner was transporting 1.5 quintals of personal rice and 350 surf super express (1 Kg) packets to his relatives, the fifth respondent along with other revenue officials seized the stocks on the ground that the petitioner has violated the provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (the Control Order). The seized stocks were entrusted to the Village Revenue Officer for safe custody. The second respondent initiated the proceedings against the petitioner under Section 6-A of the Essential Commodities Act (EC Act).

4. The contention of the learned counsel for the petitioner is that the petitioner has not contravened the provisions of the EC Act or the Control Order. On the other hand, learned Government Pleader submitted that the petitioner has contravened the

provisions of the EC Act and the Control Order; therefore the proceedings under Section 6-A of the Act were initiated against the petitioner. Whether the petitioner has contravened the provisions of the EC Act or the Control Order or not will come to light during the course of enquiry initiated under Section 6-A of the EC Act. If this court expresses any opinion touching the merits of the main case, it may cause prejudice to one of the parties to the proceedings.

5. At the time of the arguments, the only relief sought by the learned counsel for the petitioner is to direct the second respondent to dispose of the proceedings initiated against the petitioner under Section 6-A of the EC Act as early as possible. The learned Government Pleader also consented for the same.

6. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the second respondent is hereby directed to dispose of the proceedings pending against the petitioner under Section 6-A of the EC Act as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

T.SUNIL CHOWDARY, J

September 27, 2016.
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