

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21227 of 2016

ORDER:

The petitioner was the fair price shop dealer of Shop No. 106, Qutbullabur Village and Mandal, Ranga Reddy District. Pointing out certain irregularities detected while conducting panchnama on 19.03.2016, the petitioner has been issued a show cause notice dated 07.04.2016 for which, he has submitted explanation on 13.04.2016. Meantime, the petitioner questioned the action of the respondents authorities in not allocating the essential commodities for distribution during the subsistence of his authorization, by way of Writ Petition No. 10705 of 2016, wherein, through its order dated 07.04.2016, this Court directed the respondents therein to allocate/issue the essential commodities to the petitioner, so as to enable him to distribute the same to the card holders, while making it clear that the order of allocation of essential commodities to the petitioner shall not be construed as restraining the respondents-authorities from conducting the inquiry in terms of the notice issued for the alleged violations, if any. Despite the said order, vide proceedings, dated 09.05.2016, the 3rd respondent Revenue Divisional Officer, Malkajgiri Division cancelled the authorization of the petitioner on the ground that the variation noticed is beyond the permissible limits and that the proceedings under Section 6-A of the Essential Commodities Act, 1955 along with a criminal case in Crime No. 196 of 2016 has been booked against him. In this Writ Petition, the petitioner challenges the said cancellation order.

Heard learned counsel for the petitioner as well as learned Government Pleader for Civil Supplies (Telangana).

From a perusal of the order impugned herein, it does appear that that inquiry, which pre-supposes an opportunity of personal hearing to the dealer to explain his/her case based on the records, such as sales

and stock register and which includes recording the sworn statement of the dealer and witnesses, if any from his/her side, has not been conducted. In fact, the notice under Section 6-B of the 1955 Act has been issued on 07.05.2016 directing the petitioner to appear before the Collector, Ranga Reddy District on 04.06.2016 to participate in the inquiry, but however, in the meanwhile, the order impugned has emerged on 09.05.2016.

The question as to whether mere initiation of the proceedings under Section 6-A of the Act would entitle the respondent-authorities to cancel the authorization of the petitioner fair price shop dealer is no more *res integra*, as the same has been settled by the judgment rendered by this Court in ***Darnasi Peraiah v. District Collector (CS), Prakasam District***^[1]. In this view of the matter, the order dated 09.05.2016 is liable to be set aside.

Hence, the Writ Petition is allowed, setting aside the order dated 09.05.2016. However, the respondents are at liberty to conduct the inquiry afresh, duly observing the principles of natural justice, and pass appropriate final orders. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

4th July 2016

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^[1] 2016(1) ALT 126