

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.9446 of 2016

ORDER:

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This writ petition is filed seeking following relief:-

“.... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 4 in conducting Panchanama dated 09-03-2016 Under Section 6-A of E.C. Act, 1955 and basing on the said Panchanama the 3rd and 4th respondents not supplying the essential commodities to petitioner's Fair Price Shop No. 19, at Door No. 6-105, Raju Colony, Balanagar Mandal, Ranga Reddy District, and not permitting the petitioner to distribute the same to the card holders on his valid authorization which is existing as on today which is neither suspended nor cancelled as illegal, arbitrary and in violation of principles of Natural Justice and set-aside the Panchanama dated 09-03-2016 conducted by 4th respondent, consequently direct the respondents No.3 and 4 to supply the essential commodities to petitioner's Fair Price Shop No. 19, at Door No. 6-105, Raju Colony, Balanagar Mandal, Ranga Reddy District, as it is to distribute the same to the card holders...”

It is the contention of the learned counsel for the petitioner that though a show-cause notice dated 18-03-2016 was received by the petitioner on 29.03.2016, as on date, the authorization granted in favour of the petitioner is still subsisting, as there is no suspension or cancellation and in the light of the Full Bench judgment of this Court reported in ***OLETI TIRUPATHAMMA V. DISTRICT SUPPLY OFFICER (CITY), VISAKHAPATNAM AND OTHERS***^[1], the petitioner is entitled to be supplied with essential commodities for distribution.

Learned Government Pleader submits that inasmuch as show-cause notice has been issued for conducting enquiry, it would suffice if a direction is given to the 3rd respondent to complete the enquiry expeditiously and in the interregnum period, the petitioner cannot be

permitted to continue as a dealer.

I have considered the rival submissions and in the light of the judgment of the Full Bench judgment of this Court (supra), the petitioner is entitled to continue as a fair price shop dealer. However, allowing the petitioner to distribute the commodities shall not be considered in any manner expressing any opinion with respect to his entitlement and with respect to the allegations made against the petitioner in the show-cause notice.

In the circumstances, the interest of justice would be served, if a direction is given to the 3rd respondent to complete the enquiry expeditiously, after giving an opportunity to the petitioner. Till completion of such enquiry, in the facts and circumstances of the case, the petitioner would be entitled to be supplied with essential commodities for distribution.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 31.03.2016

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[\[1\]](#) 2002 (1) ALD 577 (FB)