

HONOURABLE SRI JUSTICE S.V.BHATT

WRIT PETITION No. 5835 of 2016

DATED 24TH FEBRUARY, 2016

BETWEEN

M.Ratan lal

..Petitioner

And

The State of Telangana, rep. by its
Principal Secretary, Consumer Affairs,
Food and Civil Supplies Department, Secretariat,
Hyderabad and ors.

...Respondents.

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WRIT PETITION No. 5835 of 2016

ORDER:

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With the consent of learned counsel for the petitioner and learned Government Pleader appearing for the respondents, the Writ Petition is disposed of at the admission stage.

The petitioner prays for a Mandamus declaring action of respondents 2 and 3 in not supplying essential commodities to him for distribution through Fair Price Shop No. 56 at Sainikpuri, Ranga Reddy District in spite of the fact that his authorization is subsisting as illegal, arbitrary and unconstitutional.

The case of the petitioner is that Respondent No.3 has seized and recovered 110 liters of blue kerosene from one

Dasarath and the said person at the time of seizure has stated that kerosene seized at his residence was sold by the petitioner who is the Fair Price Shop Dealer. On 17.12.2015 at 6.00 PM the third respondent inspected the fair price shop of the petitioner and conducted panchanama. In the Panchanama, it is recorded that on physical verification of Fair Price Shop No. 56, no variation is found between book balance and ground balance. On 23.01.2016 the second respondent choose to issue show cause notice to the petitioner and admittedly the authorization issued in favour of the petitioner is subsisting and not suspended. Now the grievance of the petitioner is that he has not only submitted explanation but ready to face enquiry pursuant to notice No.C/29/2016, dated 23.01.2016 and respondents are not right in not supplying essential commodities to him. Hence the Writ Petition.

The learned Government Pleader has drawn attention of this Court to the decision of this Court in ***M. Shashikala Vs. Collector, Mahaboobnagar and Anr*** {1997(2) ALD 379 (DB)} and contends that this Court may not exercise its jurisdiction under Article 226 of the Constitution of India for issuance of appropriate directions to continue to supply essential commodities.

I have perused the decision relied on by the learned Government Pleader. There is no dispute with the principle of law laid down in the aforesaid decisions. In the case on hand, right from the day on which inspection of the fair price shop of the petitioner was conducted, till the show cause notice dated 23.01.2016 was issued, the respondents did not think it right to

suspend the authorization of the petitioner. Having regard to the peculiar facts and circumstances of this case, the allegations levelled against the petitioner require enquiry and in the mean time, by referring to allegations, non supply of essential commodities is arbitrary. Hence, the Writ Petition is disposed of with the following order:

The second respondent is directed to conclude the enquiry initiated through show cause notice No.C/29/2016 dated 23.01.2016 within 8 (eight) weeks from the date of receipt of a copy of this order. If the authorization of the petitioner is not suspended or cancelled, the respondents are directed to supply essential commodities to the petitioner for distribution through Fair Price Shop No. 56, situated at Sainikpuri, Ranga Reddy District in the interregnum.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE S.V.BHATT

DATED 24TH February, 2016.
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