**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION NO.10840 of 2016**

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Between:

Koppala Sreenivasulu

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Hyderabad, and others.

RESPONDENTS

**ORDER:**

Suspension pending enquiry order dated 18.02.2016 is under challenge in this writ petition on the ground that only proceedings under Section 6-A of Essential Commodities Act, 1955 (for short 'the Act') have been issued, but under the Act, with regard to allegation of violation suspension of authorization cannot be made.

Learned counsel for the petitioner contended that no notice has been issued to him before initiating proceedings under Section 6-A of the Act for violation of the Control Order.

Learned Government Pleader for Civil Supplies by making reference to the references made in the impugned order, would point out that show cause notice dated 29. 01.2016 was issued to the petitioner and he had submitted his explanation to the same, and it is only after considering his explanation, as further enquiry is needed in the matter, the impugned order suspension pending enquiry was made. Learned Government Pleader would also point out that pursuant to the case registered under Section 6-A of the Act, a separate notice under Section 6-B was also issued on 03.03.2016.

A perusal of the material on record, it is evident that notice dated 18.02.2016 is only a suspension pending enquiry, not with standing the fact that there is no reference to the Control Order. Merely because the suspension pending enquiry has been made in relation to the enquiry i.e. proposed to be conducted on the allegation of violation of the Control Order, the same does not cease to be a notice for suspending the authorization pending enquiry for the obvious reason that in relation to proceedings under Section 6-A, Collector is the authority to conduct enquiry whereas in relation to violation of Control Order, Revenue Divisional Officer is the designated authority.

In the present case, the Revenue Divisional Officer had issued proceedings suspending the authorization of the petitioner pending enquiry and as a matter of fact, there is a reference to the Control Order. In the impugned order, it has been categorically stated that the fair price shop dealer had violated the A.P.S.P.D.S. (Control) Order, 2008. In those circumstances, the argument advanced by the learned counsel for the petitioner does not merit any consideration. However, considering the fact that it is only suspension pending enquiry, interest of justice would be served if a direction is issued to the 3rd respondent to complete the enquiry within a period of six weeks from the date of receipt of a copy of this order, after giving adequate opportunity to the petitioner to put forward his case.

Subject to the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

**CHALLA KODANDA RAM, J.**

1st April, 2016
Js.