

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8819 of 2016

ORDER:-

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

The petitioner was appointed as Dealer of Fair Price Shop No.15 of Jal Thanda Village, Nellikal Post, Peddavoora Mandal, Nalgonda District, in the year 2012 and his authorization is subsisting as on today. While so, on 19.02.2015, the Deputy Tahsildar (CS), Peddavoora, along with his staff visited the shop, found that the petitioner committed certain irregularities in distribution of essential commodities to cardholders, seized the stocks available in the shop under cover of panchanama, registered a case under Section 6-A of the Essential Commodities Act, 1955, and submitted a report to the Collector (CS), Nalgonda, on 20.02.2015. Thereafter, the 2nd respondent passed final orders on 29.08.2015 ordering confiscation of 75% value of the seized stock in favour of the Government. Subsequently, the 3rd respondent issued a show cause notice dated 15.02.2016 calling upon the

petitioner to submit his explanation. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner mainly submits that though the petitioner has submitted his explanation to the show cause notice dated 15.02.2016 issued by the 3rd respondent, till date no enquiry has been conducted.

On the other hand, the Government Pleader for Civil Supplies submits that the enquiry is in process and he placed on record the written instructions received from the 3rd respondent.

A perusal of the written instructions of the 3rd respondent reveals that an explanation has been called for from the petitioner, but however, no opportunity of hearing was given to him. Further, a copy of the enquiry report of the Deputy Tahsildar (CS), Peddavoora, does not appear to have been made available to the petitioner. In that view of the matter, the 3rd respondent is directed to furnish a copy of the enquiry report of the Deputy Tahsildar (CS), Peddavoora, to the petitioner, give him adequate opportunity to make out his case and also to submit further explanation, if any, taking into consideration all

the allegations made in the report, and pass appropriate orders. This entire process shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order. The learned Government Pleader shall inform of the same to the 3rd respondent through a letter.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

**CHALLA KODANDA RAM,
J**

17th March, 2016
cbs

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