

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.13635 OF 2016

ORDER:

The show cause notice dated 19.02.2016 is challenged before this Court.

It is the case of the petitioner that the 2nd respondent had issued the impugned notice on the ground that F.I.R. No.135/2015 dated 26.10.2015 was filed against the petitioner for the offence punishable under Section 380 IPC. The 2nd respondent pointing out that the petitioner was involved in a crime and a case has been registered and obviously by making reference to clause 2 (5) of Annexure-I of A.P. Scheduled Commodities Public Distribution System (Control Order), 2008 (for short 'Control Order'), had suspended the authorization of the petitioner by order dated 28.10.2015. Thereafter, the impugned notice has been issued to the petitioner seeking his explanation.

It is the contention of the petitioner that clause 5 (7) of the Control Order entitles the second respondent to cancel the authorization only when the dealer is convicted of any offence and when there is no conviction as on date and only a crime is registered against the petitioner, the notice issued for cancellation is unsustainable.

The writ petition is resisted by the learned Government Pleader.

Having considered the submissions made by the learned counsel for the petitioner, it may be noted that there is no challenge to the Control Order. Further, annexure-I is forming part of the Control Order. In the absence of there being a challenge to the Control Order, this Court is required to consider the challenge to the impugned order only in terms of the existing Control Order.

In that view of the matter, without expressing any opinion with respect to the contention raised by the learned counsel for the petitioner, the petitioner is given liberty to file his representation raising all his objections, which shall be considered by the respondents within a period of four weeks from the date of filing such representation. If the petitioner is aggrieved with the orders that may be passed, he is at liberty to avail the remedies available to him in law.

With above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

Justice Challa Kodanda Ram

25th April, 2016.
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