

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7771 of 2016

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ORDER:

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

The order dated 13.02.2016 passed by the 2nd respondent-Sub-Collector, Jagtial suspending the Fair Price Shop authorization of the petitioner pending enquiry is challenged in the present Writ Petition on the ground that the same is illegal and not authorized under the APSPDS (Control) Order, 2008 read with the provisions of the Essential Commodities Act. In support of the same, the learned counsel for the petitioner placed reliance on the decisions of this Court in **B. Satyanarayana Vs. Joint Collector**^[1] and Writ Petition No.27750 of 2010, dated 12.11.2010.

The learned Government Pleader for Civil Supplies fairly submitted that the issue is settled in the decision of this Court in **B. Satyanarayana case** (Supra).

I have considered the submissions advanced by the learned Counsel on either side and gone through the decisions of this Court referred to supra, wherein this Court had made a distinction between initiation of proceedings under the APSPDS (Control) Order, 2008 and Essential Commodities Act and held that while initiating proceedings under the Essential Commodities Act against the petitioner/dealer, suspension pending enquiry imposed under the APSPDS (Control) Order, 2008 is impermissible. There is no contra opinion and respectfully following the decision of this Court in the case of **B. Satyanarayana** (supra), the Writ Petition is allowed, setting aside the impugned order dated 13.02.2016. However, it is made clear that this order does not preclude the respondent authorities from initiating the

action against the petitioner in accordance with law.

Accordingly, the Writ Petition is allowed. Miscellaneous petitions pending consideration, if any, shall stand closed in consequence. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

10th March, 2016
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[\[1\]](#) 1994 (2) ALT 168