

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19382 OF 2016

ORDER:

This Writ Petition is filed challenging the proceedings of the 2nd respondent dated 05.02.2016 cancelling the authorization of the petitioner to conduct Fair Price Shop No. 67 of Panditivaripalem Village, Piduguralla Mandal, Guntur District, on the ground that there is variation in the stocks and also the proceedings under Section 6-A of the Essential Commodities Act, 1955 were initiated based on the inspection report of the Tahsildar.

Heard learned counsel for the petitioner as well as learned Government Pleader for Civil Supplies (Andhra Pradesh).

Though the impugned order runs into as many as three pages, there is no whisper of consideration of the case of the petitioner, particularly the explanation submitted by him. Further, the variation, which has been noticed in respect of the petitioner, is within the permissible limits, which aspect has not been disputed by the learned Government Pleader.

One another aspect of the matter is that in relation to violations under the Control Order, 2008, the Joint Collector is conducting a parallel proceedings and the same is evident from the notice dated 30.06.2015. It is un-understandable as to how the violations under the Control Order can be the subject matter of the proceedings under Section 6-B of the 1955 Act. In that view of the matter, the impugned proceedings are liable to be set aside.

Accordingly, the Writ Petition stands allowed, setting aside the impugned order. However, the 2nd respondent Revenue Divisional Officer is directed to conduct the inquiry under Clause 5(5) of the Control Order, 2008 by giving an opportunity of hearing to the petitioner and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Consequently, the miscellaneous Applications, if any shall

stand disposed of.

CHALLA KODANDA RAM, J

20th June 2016

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