

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6277 of 2016

DATED 29TH FEBRUARY, 2016

BETWEEN

V.Narayana

...Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary to the Consumer
Affairs, Food and Civil Supplies, Secretariat,
Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6277 of 2016

ORDER:

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

The order dated 20.2.2016 passed by the second respondent 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 {1994(2)ALT 168} 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 (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 20.2.2016. 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.

The Writ Petition is allowed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 29TH February, 2016.
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