

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.16124 OF 2016

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ORDER:

This writ petition is filed challenging the order dated 03.05.2016 suspending the Authorization of petitioner's Fair price Shop No.495, D.No.2-4-659, Sunder Nagar, Kachiguda, Hyderabad.

It is the specific plea and contention of the learned counsel for the petitioner that seizure of PDS blue Kerosene which is alleged to have been affected from the third party Mr.Chetan S/o.Tilak Kumar R/o.H.No.3-1-104/A, Tarakarama Theatre, Kachiguda, Hyderabad, has nothing to do with the petitioner and solely based on the alleged statement made by said Chetan, the suspension pending enquiry has been made against him and there is no show cause notice issued further to 03.05.2016. Further it is the specific contention of the petitioner that merely Section 6-A of Essential Commodities Act, 1955 notice is sought to be issued without there being any controvention of the Control Order, no proceedings can be initiated against the petitioner and the said notice pending enquiry is totally unwarranted and arbitrary.

The matter came up for admission on 12.05.2016 and at the request of learned Assistant Government Pleader, it was adjourned to 01.06.2016.

Today learned Assistant Government Pleader, placed on record the instructions received which discloses that show cause notice was issued to the petitioner on 03.05.2016 fixing the date of hearing as 06.06.2016 at 3.00 p.m., alleging violation of the control orders.

Learned counsel for the petitioner submits that even as on date, no show cause notice has been received by his client and contends that show cause notice alleged to have been issued is only for the purpose of this case in order to prevent this Court from passing

orders on merits.

Having considered the rival submissions and a perusal of the panchanama dated 15.03.2016, the entire allegation is with respect to Mr.Chetan and recovery of alleged PDS blue kerosene from him and reliance is solely placed on the statement alleged to have been made by said Chetan against the petitioner that PDS blue kerosene was procured from him. Except the statement of said Chetan there is no other material and further there is no irregularity particularly of any specific controvention of the Control Order in the impugned suspension pending enquiry order. In those circumstances, even assuming that there is show cause notice issued to the petitioner for conducting enquiry, the facts on record do not warrant suspension pending enquiry.

Having regard to the above, the impugned suspension pending enquiry is set aside, giving liberty to the respondents to conduct enquiry after issuing show cause notice and after providing due opportunity to the petitioner to put forth his case.

Accordingly, the writ petition is allowed. No order as to costs.

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

10th June, 2016.

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Dated : 10.06.2016

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