

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4861 OF 2017

ORDER:

A show cause notice bearing No.SCVJ/164/2016-SA(A7)-SCO-VJA, dated 04.01.2017, issued by the Sub-Collector, Vijayawada, asking the petitioner to show cause as to why her authorisation should not be cancelled is under challenge in the present writ petition.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (A.P.) appearing for the respondents.

3. The petitioner herein is the Fair Price Shop dealer of Shop No.4 of Bhimavaram Village, Vatsavai Mandal, Krishna District. Pursuant to a report submitted by the Deputy Tahsildar, Jaggaiahpetta under Section 6-A of the Essential Commodities Act, 1955 on 06.10.2016, the Sub-Collector issued the impugned notice.

4. Admittedly, it is not the case of the petitioner herein that the said show cause notice is without jurisdiction. It is submitted by the learned Government Pleader appearing for the respondents that the notice under challenge in the present writ petition is only a show cause notice and the petitioner herein is required to face enquiry by submitting her explanation to the charges contained in the said show cause notice.

5. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served if the Sub-Collector, Vijayawada is directed to complete the enquiry pursuant to the impugned show cause notice and by permitting the petitioner herein to respond to the said show cause notice by way of an explanation.

6. For the aforesaid reasons, the Writ Petition is disposed of, keeping it open to the petitioner herein to submit her explanation to the impugned show cause notice within a period of two (2) weeks from the date of receipt of a copy of this order. If any such explanation is filed within the time stipulated, the Sub-Collector, Vijayawada is directed to complete the enquiry pursuant to the impugned show cause notice within a period of one month thereafter. It is made clear that in the event of failure to submit the explanation by the petitioner within the time stipulated above, it is open for respondent No.3 to proceed in accordance with law pursuant to the impugned show cause notice. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 13.2.2017
AMD

THE HON'BLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.4861 OF 2017

DATE: 13.2.2017

AMD