

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.22363 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies representing respondents 1 to 3 and perused the prayer in the writ petition with the supporting affidavit including the impugned order dated 03.09.2016.

2) The grievance of the petitioner is that the impugned order was passed on 03.09.2016 in Rc.CS1/6-A/45/2016 by the Collector (CS) Prakasam District under Section 6-A of the Essential Commodities Act, without giving any notice and without giving any opportunity to him.

3) In fact, there is a statutory appellate remedy available to the petitioner to approach the District & Sessions Judge, Prakasam District, against the impugned order and the same is not disputed.

4) Having regard to the above, the Writ Petition is disposed of, giving liberty to the petitioner to file an appeal before the District & Sessions Judge, Prakasam District within one (1) week from the date of receipt of copy of this order and on filing such appeal, the learned District Judge, without insisting upon the period of limitation, shall consider the prayer for interim order, if any, or dispose of the main appeal itself, in accordance with law. The respondents are directed not to destroy the stock pursuant to the impugned order for a period of four (4) weeks and

in the meanwhile, interim order, if any, left open to the petitioner to be obtained from the appellate authority. No order as to costs.

5) Consequently, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:20.07.2017
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