

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

WRIT PETITION No.4253 of 2017

ORDER:

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

2. The order of suspension of Fair Price shop authorisation of the petitioner passed by the Revenue Divisional Officer, Gurajala, Guntur District vide proceedings Rc.No.24/2017-C, dated 11.01.2017 is under challenge in the present writ petition.

3. Followed by filing of a case under Section 6A of the Essential Commodities Act, 1965 by the Deputy Tahsildar, Piduguralla Mandal on 11.01.2017, the Revenue Divisional Officer, Gurazala, Guntur District issued a show-cause notice dated 11.01.2017 indicating therein the irregularities pointed out in the report of the Deputy Tahsildar dated 11.01.2017. In response to the said show cause notice, petitioner herein submitted an explanation on 23.01.2017. Thereafter, the Revenue Divisional Officer, Gurazala/second respondent herein while reiterating the alleged variations indicated in the report of the Deputy Tahsildar, passed an order vide proceedings Rc.No.24/2017-C, dated 11.01.2017 suspending the authorisation of the petitioner herein.

4. The contention of the learned counsel for the petitioner in the writ petition is that the proceedings initiated under Section 6A of the Essential Commodities Act cannot be a ground for resorting to the impugned action. In support of his contention, learned counsel places reliance on the orders of

this Court in W.P.No.27750 of 2010, dated 12.11.2010 and *G.ANJANEYULU v. COLLECTOR (CS), JOINT COLLECTOR, MAHABOONAGAR*¹.

5. In the above said decisions, this Court had an occasion to deal with the similar matters categorically held that mere confiscation of essential commodities under Section 6A of the Essential Commodities Act cannot be the sole ground while cancelling or suspending the authorisation. The principles laid down in the above referred decisions are squarely applicable to the present case on hand.

6. For the aforesaid reasons, writ petition is allowed, setting aside the order of suspension dated 11.01.2017 passed by the Revenue Divisional Officer, Gurazala, Guntur District vide proceedings Rc.No.24/2017-C. However, it is open for the second respondent/Revenue Divisional Officer, Gurazala, Guntur District to pass final orders in the matter pursuant to the show-cause notice dated 11.01.2017. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date:03.03.2017
grk

A.V.SESHA SAI, J

¹ 2005 (2) ALD 27

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Dated 03.03.2017

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