HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28089 OF 2017

ORDER:

The petitioner is a permanent fair price shop dealer of shop No.4 of Dasanapur Village, Mavala Mandal, Adilabad District. His authorization is valid upto 31.03.2018. He was kept in-charge of shop Nos.9 and 10 also. On 13.08.2017, the third respondent inspected his shop and verified the records. The third respondent found shortage of 2.33 quintals of rice. He also noticed variation in quantities of kerosene and seized an auto bearing No.TS 01 UA 6787 on the ground that the auto driver purchased kerosene oil from his shop. The Panchanama was conducted by the second respondent on 13.08.2017. The proceedings under Section 6-A of the Essential Commodities Act (the Act, for brevity) are pending against the petitioner. When an order was passed by the second respondent on 18.08.2017 suspending the authorization of the petitioner on the ground of pendency of proceedings under Section 6-A of the Act, the present writ petition is filed.

The second respondent should have seen that pendency of the proceedings under Section 6-A of the Act are different from violation of Control Order, under which the authorization was issued. If there are any irregularities, it is open to the second respondent to take appropriate action for violation of the provisions of the Control Order, but he cannot suspend the authorization of the petitioner merely on the basis of the pendency of the proceedings under Section 6-A of the Act. In the circumstances, this Court is constrained to set aside the order dated 18.08.2017 passed by the second respondent.

The writ petition is accordingly allowed. However, allowing the writ petition will not prevent the second respondent from taking appropriate

action for violation of the terms of the authorization or the Control Order, if any.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

22.08.2017
pln

HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते