

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.28084 of 2017

ORDER

The petitioner was appointed as fair price shop dealer for shop No.83 of Proddatur Town and Mandal, Proddatur, YSR Kadapa District, on 11.10.2003, on permanent basis and his authorization was valid upto 31.3.2016. While so, on 22.8.2015, the Enforcement Deputy Tahsildar, Proddatur, inspected the said shop and noticed some irregularities, for which, the petitioner submitted her explanation. Being not satisfied with the same, the 2nd respondent suspended the authorization of the petitioner for a period of three months *vide* proceedings dated 1.10.2015. Even after expiry of the said period of three months, neither final orders were passed nor the petitioner was allowed to run the fair price shop. In those circumstances, the present writ petition is filed.

Learned Government Pleader, based on written instructions, submits that the explanation submitted by the petitioner was not satisfactory and since the proceedings

under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') are pending before the Joint Collector, Kadapa, the suspension orders are continued and the petitioner is not allowed to run the fair price shop.

Thus, it is evident that this is a clear case of negligence on the part of the 2nd respondent. When the 2nd respondent passed an order of suspension for a period of three months, he should have allowed the petitioner to run the fair price shop after expiry of the said period, in the absence of passing final orders, but nothing was done. Pendency of proceedings under Section 6-A of the Act are different from proceedings before the 2nd respondent.

In the circumstances, the petitioner is allowed to run the fair price shop No.83 of Proddatur Town and Mandal, Proddatur, YSR Kadapa District, pending proceedings before the 2nd respondent. It is needless to observe that the 2nd respondent shall conclude the enquiry after giving due opportunity to the petitioner and pass final orders.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

29th August, 2017
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