

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.23688 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in not allowing the petitioner to run fair price shop No.278026, Kothapeta Village, Velgatoor Mandal, Jagtial District, pursuant to the show cause notice dated 16.06.2017.

A reading of the impugned show cause notice shows that certain irregularities were found pursuant to the inspection by the Deputy Tahsildar, Mallial along with Inspector, Vigilance and Enforcement, Karimnagar, and a report was submitted by the Tahsildar, Mallial on 17.10.2017 on the said irregularities. The show cause notice shows that it was issued for taking proceedings under Section 6-A of the Essential Commodities Act and admittedly the proceedings under Section 6-A of the Act are pending before the Joint Collector. But it is well established that the proceedings under Section 6-A of the Act are different from the proceedings for violation of the Control Order. Since no notice is issued or no proceedings are taken for violation of the Control Order, the petitioner shall not be prevented from running a fair price shop. Even after granting time on 24.07.2017 for getting instructions, no instructions were received by the learned Government Pleader.

In the circumstances, the writ petition is allowed by directing the respondents to allow the petitioner to continue running of the fair price shop. However, this will not prevent authorities from taking action for violation of the Control Order.

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

A.RAMALINGESWARA RAO, J

01.08.2017
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