

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17484 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not permitting the petitioner to distribute the essential commodities to the card holders of the Shop No.47 of Sunkaravari Street, Rangayyanaidu Street, Kakinada Urban, East Godavari District on the ground that a case under Section 6-A of the Essential Commodities Act, 1955 is registered against the petitioner as illegal, arbitrary and consequently direct the respondents to allow the petitioner to distribute the essential commodities to the card holders of Shop No.47 of Sunkaravari Street, Rangayyanaidu Street, Kakinada Urban, East Godavari District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents and perused the prayer in the writ petition with supporting affidavit and the impugned proceedings shown served on the petitioner furnished by the learned Government Pleader saying it was dated 11.05.2017 issued by the 3rd respondent-Revenue Divisional Officer, as part of the disciplinary action for violation of the norms prescribed in dealing with the supply of provisions by the dealer of ration shop bearing No.47 of Sunkaravari Street, Rangayyanaidu Street, Kakinada Urban, East Godavari District.

It is the contention of the petitioner that under the guise of pending of Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') proceedings, the respondents are not supplying the provisions to his shop, without furnishing any order of any disciplinary action even much less by giving show cause notice to enable him to give reply.

It is the submission of learned Government Pleader for Civil Supplies that the 3rd respondent-Revenue Divisional Officer issued proceedings dated 11.05.2017 and the petitioner ought to have challenged the same.

There is an endorsement on the copy of the proceedings that the same were received by the petitioner, however, the date was not mentioned and it is not even shown on which date it is served. However, the learned counsel for the petitioner fairly concedes from the instructions that the said proceedings were very recently served, which is subsequent long to the filing of the writ petition.

Having regard to the above and also from said interim suspension pending enquiry proceedings mentioned by the 3rd respondent-Revenue Divisional Officer as if because of pendency of 6-A proceedings cannot sustain and same is to be set aside. However the 3rd respondent-Revenue Divisional

Officer got power, being the disciplinary authority to initiate the proceedings, while setting aside the interim suspension same is treated as a show cause notice to disciplinary proceedings and consequently the petitioner is directed to appear before the 3rd respondent-Revenue Divisional Officer on 10.07.2017 and submit any reply and appear on such dates being fixed by the 3rd respondent-Revenue Divisional Officer being disciplinary Authority to conduct enquiry and shall pass orders with reasons. Till then, the provisions shall be supplied to the shop of the petitioner for distribution.

Accordingly, the Writ Petition is disposed of at the stage of admission.

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

Dr. B. SIVA SANKARA RAO, J

Date:29-06-2017

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