

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2950 of 2018

ORDER:

Order, dated 28.11.2017 passed by the second respondent – Revenue Divisional Officer, Guntur, suspending the petitioner's authorization in respect of Fair Price Shop No.19 of Rajupalem Village, Pedanandipadu Mandal, Guntur District, is challenged before this Court.

Learned counsel for the petitioner submits that though the petitioner had filed an appeal before the fourth respondent – Joint Collector & Additional District Magistrate, Guntur, this Writ Petition is maintainable as this is not a case of suspension pending enquiry and as a measure of punishment, the authorization of the petitioner is kept under suspension by the impugned order. In support of the same, he relies on the order of this Court reported in **P. Hanumantha Rao v. The Chief Rationing Officer, Twin Cities, Hyderabad and another**¹ wherein this Court had categorically held that the proceedings under the Essential Commodities Act, 1955, are different from the proceedings to be initiated for violation of any of the provisions of the Control Order. He contends that the impugned order suffers from the vice

¹ 1993(3) ALT 442

of it being passed during pendency of proceedings under Section 6-A of the Essential Commodities Act, 1955.

Learned Government Pleader opposes the Writ Petition and submits that as the petitioner had availed the remedy of appeal, this Writ Petition is not maintainable. He also submits that the Control Order which was under consideration till 1993 is different from the Control Order which is in force as of now.

Having considered the respective submissions, this Court is not inclined to entertain the Writ Petition at this stage as admittedly, the petitioner had already availed the remedy of appeal before the fourth respondent.

In those circumstances, the Writ Petition is disposed of with the direction to the fourth respondent to pass appropriate orders in the appeal stated to have been filed by the petitioner against the impugned order, within four weeks from the date of receipt of a copy of this order. Till such time, the impugned order stands suspended.

Miscellaneous Petitions, if any pending shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

21st FEBRUARY, 2018.
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