

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.14873 of 2011

ORDER:

The relief sought for in this Writ Petition is to declare the action of the Revenue Divisional Officer, in issuing proceedings dated 25.04.2011, restoring the Fair Price Shop in favour of the third respondent, as illegal and arbitrary.

By his proceedings dated 25.04.2011, the Revenue Divisional Officer, Rajahmundry restored the dealership of the third respondent, duly imposing on him a fine of Rs.2,000/- equivalent to 2/3rd of the trade deposit. The third respondent was directed to remit the fine amount into the Government Treasury, and hand over the challan to the Tahsildar.

The Fair Price shop authorisation, of the 3rd respondent, was hitherto suspended and, pursuant thereto, the petitioner was granted temporary dealership of the subject fair price shop. It is the petitioner's case that the dealership of the third respondent should not be restored; and he should be continued as a temporary Fair Price Shop dealer.

While the Writ Petition was admitted on 07.06.2011, no interim order was passed therein. Consequently the third respondent has been continuing as a Fair Price Shop Dealer for the past nearly seven years. The petitioner's case is based entirely on the confiscation order passed under Section 6A of the Essential Commodities Act whereby 50% of the value of the seized stock was directed to be confiscated.

The proceedings for confiscation, under Section 6A of the Essential Commodities Act, are distinct from the disciplinary proceedings initiated against the Fair Price Shop Dealer for termination of his Fair Price Shop authorisation. As nearly seven years have elapsed since the fair price shop

authorisation was restored, and the third respondent must be operating the said shop ever since, I see no reason, at this length of time, to now terminate his dealership, and direct the petitioner to be appointed as a temporary Fair Price Shop dealer.

Suffice it to make it clear that, in case the third respondent is found to have violated the conditions of licence or to have committed any other irregularity after his fair price shop dealer ship was restored to him, this order shall not disable the authorities from taking action against him in accordance with law.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 09.02.2018

MRKR

RAMESH RANGANATHAN, ACJ

