

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.44217 OF 2018

Date:20.12.2018

Between:

Koneru Gangaram, S/o. Yellaiah,
Aged 53 years, Fair Price Shop Dealer
Of Fair Price Shop No.1881060,
R/o.H.No.6-15-290, Sanjeevaiah
Colony, Nizamabad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Civil Supplies
And Consumer Affairs Department,
Secretariat, Hyderabad, and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.44217 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 7.

2. Petitioner was appointed as Fair Price Shop Dealer of Shop No.60, Nizamabad (South), vide proceedings dated 21.05.1985. He continued to operate the Fair Price Shop Dealership until the impugned proceedings were issued on 20.07.2018. Alleging that excess stock was found than the stock is required to be maintained, panchanama was conducted; stock was seized and proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short, 'the Act') were initiated against the petitioner. Consequent upon initiation of proceedings under Section 6-A of the Act, the Tahsildar (CS), Nizamabad (South), the 5th respondent, vide his proceedings dated 20.07.2018, placed another shop dealer as in-charge till further orders. The said proceedings are challenged primarily on the ground that the 5th respondent is not competent to make in-charge arrangement to any Fair Price Shop and only the Revenue Divisional Officer is competent.

3. It is not in dispute that until and unless the Fair Price Shop authorization is cancelled, the petitioner cannot be deprived of distribution of essential commodities. Moreover, alternate arrangement was not made by the competent authority.

4. Having regard to the same, the Writ Petition is disposed of directing the respondents to provide essential commodities to the petitioner's Fair Price Shop, as long as the dealership authorization is not cancelled or suspended. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:20.12.2018

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