

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.1923 of 2020

ORDER :

Heard learned counsel for the petitioners as well as the learned Government Pleader for Civil Supplies appearing for the respondents.

The prayer sought in the writ petition is as under:

“..... this Hon'ble Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in issuing Show Cause Notice under Section 6-B of the E.C. Act, in 6-A Case No.A7/652/CS/2019, dt.10.01.2020 is illegal, improper, without any power or authority under law and violation of Articles 14, 16 and 19(1)(g) of the Constitution of India and set aside the same and pass such other order or orders”

This writ petition is filed challenging the Show Cause Notice in 6-A Case No.A7/652/CS/2019, dt.10.01.2020 issued by respondent No.2 under Section 6-B of the Essential Commodities Act, 1955.

From a perusal of the said Show Cause Notice, it is revealed that the petitioner No.1 is directed to appear before the District Collector, Ranga Reddy District, on 18.01.2020 at 10.00 a.m. at the District Collectorate, Ranga Reddy District, Hyderabad, either in person or through an Advocate to adduce evidence in support of their written explanation to examine as per the order dt.10.12.2019 of this Court passed

in I.A.No.1 of 2019 in W.P.No.27264 of 2019. When the petitioners have been given an opportunity to file a written explanation and also assistance of a counsel under the impugned Show Cause Notice, the petitioners cannot straight away approach this Court challenging the said Show Cause Notice.

As far as maintainability of the writ petition against the Show Cause Notice is concerned, this Court and the Hon'ble Apex Court in catena of decisions held that a writ petition, under Article 226 of the Constitution of India, is not maintainable against a Show Cause Notice, unless and until a grave illegality is alleged as well as jurisdictional aspect is raised. Therefore, this Court is of the opinion that the writ petition as filed is not maintainable and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed.

At this stage, the learned Government Pleader for Civil Supplies appearing for the respondents brought to the notice of this Court that the matter has been adjourned from 18.01.2020 to 08.02.2020, enabling petitioner No.1 to appear and submit his written explanation before the District Collector, Ranga Reddy District.

In view of the above submission, petitioner No.1 is directed to appear and submit his explanation before respondent No.2. On such submission, respondent No.2 is directed to consider the same and pass appropriate orders as per law. No order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

05.02.2020.
Msr

JUSTICE P. KESHA RAO



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05.02.2020
(Msr)