

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17317 OF 2014

ORDER:

The writ petition is filed for a *Mandamus* declaring the action of the 1st respondent in registering a case under Section 6 A of the Essential Commodities Act, 1955 (*for short 'the Act'*) suspending the authorisation of the petitioner in respect of Shop No.16 of Mulagalampadu Village, Lingapalem Mandal and also refusing to receive renewal petition, as illegal and arbitrary and consequently to set aside the impugned suspension order and for a direction to the respondents to restore the authorisation of the petitioner for the said shop.

The case of the petitioner is that she was appointed as Fair Price Shop dealer for shop No.16, Mulagalampadu Village, Lingapalem Mandal, West Godavari District in the year 2004 and her authorisation is valid up to 31.03.2014. While so, on 27.01.2014, petitioner's fair price shop was inspected by 5th and 6th respondents and basing on the inspection report, petitioner's authorisation was suspended on 28.02.2014 and a show cause notice was also issued to the petitioner on the same date. In pursuance of the same, petitioner filed explanation on 13.03.2014, but till now no final orders are passed and petitioner's authorisation is being continued under suspension. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies.

In the present case, admittedly, petitioner's fair price shop authorisation is suspended on 28.02.2014 and though explanation is submitted by the petitioner on 13.03.2014, no final orders are passed but petitioner's authorisation is being continued under suspension. This Court held in **D.Sambasiva Rao v. Joint Collector, Guntur**

and others ^[1] that authorisation of fair price shop dealer cannot be suspended for indefinite period. In view of the same, the impugned order dated 28.02.2014, passed by the 3rd respondent is set aside. However, it is open for the 3rd respondent to pass appropriate orders after giving opportunity of hearing to the petitioner. Till then, petitioner shall be continued as fair price shop dealer for shop No.16, Mulagalampadu Village, Lingapalem Mandal, West Godavari District. Petitioner shall cooperate with the 3rd respondent in passing final orders. Otherwise, it is open for the 3rd respondent to take appropriate action. Respondents are also directed to receive renewal application from the petitioner and pass appropriate orders.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

30.06.2014
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^[1] 2007(6) ALT 239