

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.30091 of 2015

ORDER:

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

2. The petitioner was appointed as a fair price shop dealer of shop No.8 of Mabbuvaripalli Village, Tanakal Mandal, Anantapur District. The shop of the petitioner appears to have been inspected by the fifth respondent, as a result of which, the fifth respondent submitted a report to the third respondent. Basing on the said report, the third respondent initiated 6-A proceedings and they are pending. While so, the fourth respondent issued a show cause notice dated 06.08.2015 to the petitioner and the petitioner submitted his explanation. After receipt of explanation, the impugned order of suspension was passed by the fourth respondent on 25.08.2015. Challenging the same, the present writ petition is filed.

3. A perusal of the charges shows that the first charge relates to the allegation that the petitioner was not residing in the village and a benami person was distributing the essential commodities. The variation in the stock in respect of 4 items was shown and the variation is within permissible limits, except in respect of rice quantity. The explanation of the petitioner is that the said benami person Smt.Y.Nagamani is none other than the sister-in-law of the petitioner and she never dealt with the fair price shop affairs. The petitioner produced the evidence relating to his residence in the same village. In spite of the said *prima facie* evidence, the authorization of the petitioner was suspended by the impugned order.

4. In the facts and circumstances of the case, the fourth respondent had not properly exercised his power of suspension. Hence, the impugned order of the fourth respondent dated 25.08.2015 is set aside

and the fourth respondent is directed to conduct an enquiry in respect of the allegations leveled against the petitioner, by giving due opportunity to the petitioner, and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 16.09.2015

TJMR