

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17064 of 2015

DATED 16TH JUNE, 2015

BETWEEN

B. Kalavathi

...Petitioner

And

State of Telangana,

Rep. by its Ex. Officio Secretary-cum-

Commissioner of Civil Supplies,

Consumer Affairs, Food & Civil Supplies

Department, Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17064 of 2015

ORDER:

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Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner belongs to Scheduled Caste and was appointed as a Fair Price Shop Dealer of Shop No. 103, Ferozguda village, Balanagar Mandal, Ranga Reddy District in the year 1986. While so, the shop of the petitioner was inspected by the Assistant Supply officer on 28.05.2015 at 11.40 AM and it was noticed that the dealer was not present in the shop and his cousin brother, Mr. B.R.Vijayaram was present. Thereafter a panchanama was conducted and 6-A proceedings were initiated. A criminal complaint was also registered against said Vijayaram with regard to running of the fair price shop. The third respondent submitted a report to the second respondent on 6.6.2015, based on which, on the same day, the authorization of the petitioner was suspended on the ground that the fair price shop is being run by a benami person. Challenging the proceedings of the second respondent dated 6.6.2015, the present Writ Petition is filed.

The second respondent did not issue any show cause notice in respect of violations alleged to have been made by the petitioner. The main allegation levelled against the petitioner is that the petitioner is not running the fair price shop, whereas a benami person is running the shop. When the fair price shop is not being run by the dealer, this Court feels that the said allegation can be enquired into without suspending the authorization inasmuch as there is no scope for tampering the records during the course of enquiry. In the circumstances, suspension of authorization of the petitioner by impugned order dated 6.6.2015 is set aside,. However, the second respondent is at liberty to conduct an enquiry against the petitioner with regard to conducting of fair price shop by a benami person and complete the same by duly observing principles of natural justice and thereafter pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in

consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 16TH JUNE, 2015.

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