

THE HON'BLE SRI JUSTICE K.C.BHANU

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WRIT PETITION No.14512 of 2015

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ORDER:

The relief sought for in this writ petition is to declare the impugned proceedings in R.C.No.D1/CS/828/2015 dated 09.04.2015 issued by the 3rd respondent suspending the authorization of the petitioner's fair price shop No.19 of Uravakonda Village, Anantapur District as illegal, and arbitrary.

Heard both sides.

Learned counsel for the petitioner contended that there is a clear violation of principles of natural justice.

Clause 5(5) of the A.P. State Public Distribution System (Control) Order, 2008 (for short "the Control Order") reads:

"The appointing authority may, at any time whether at the request of the authorized fair price shop dealer/nominated retailer/hawker or authorized establishment on suo-motu after making such enquiry as may be deemed necessary and for reasons to be recorded in writing, add to, amend, vary, suspend or cancel the authorization issued or deemed to be issued to him under this clause."

A perusal of the above Clause discloses that discretion is given to the competent authority to conduct enquiry. However, it is not mandatory. Therefore, it cannot be said that principles of natural justice have been violated. Admittedly, an appeal is provided for under Clause 20(2) of the Control Order.

Therefore, the writ petition is disposed of giving liberty to the petitioner to prefer an appeal in terms of Clause 20(2) of the Control Order.

The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

K.C.BHANU, J

Date: 14.05.2015

Note: Issue C.C. in one week.

JSU/TSY

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