

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17941 of 2015

ORDER:

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

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.4 of Bommuluru Village, Gudivada Mandal, Krishna District. While so, on the report of the Assistant Supply Officer dated 04.05.2015 and that of the Tahsildar dated 09.03.2015, a show cause notice was issued to the petitioner on 08.06.2015 giving the details of supply of stock to the non-residents of the village and to the dead persons. It was also indicated in the show cause notice that five persons named therein are not available in the village and four persons are residing in another village. On receipt of the said show cause notice, the petitioner submitted a detailed explanation on 11.06.2015. The 2nd respondent in the impugned order dated 18.06.2015 came to the conclusion at the beginning of the order that the petitioner violated Section 17(a) of A.P. State Public Distribution System (Control) Order 2008 and thereafter extracted the explanation submitted by the petitioner and ultimately suspended the authorization holding as follows:

“Therefore, in view of the above circumstances, Smt. P.Sujani, FP shop dealer No.4 of Bommuluru Village of Gudivada Mandal is hereby temporarily kept under suspension till pending further enquiry under Clause 5(5) of the A.P. State Public Distribution system (Control) Order, 2008.”

A reading of the order does not reveal that whether the 2nd respondent has applied his mind to the facts of the case and given a prima facie finding on the basis of the explanation submitted by the petitioner. In the circumstances, the order of the 2nd respondent dated 18.06.2015 to the extent of suspending the authorization of the petitioner pending enquiry is set aside, but liberty is given to the 2nd respondent to

complete the enquiry within 30 days from the date of receipt of a copy of the order on the basis of the material available and giving an opportunity to the petitioner by observing the principles of natural justice and pass final orders thereon.

3. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

19th June, 2015

Note: Furnish C.C. in three days.

(b/o)

cbs

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
-
-
-
-
-

— — — — —

-

WRIT PETITION No. 17941 of 2015

19th June, 2015

cbs