

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12046 of 2015

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the fourth respondent in not allotting the essential commodities to the petitioner for distribution among the respective cardholders of Fair Price Shop No.24 of Cherlagudipadu Village, Gurajala Mandal, Guntur District, as illegal and arbitrary and consequently direct the fourth respondent to allot essential commodities to the petitioner.

Heard and perused the records.

Learned counsel for the petitioner submits that the respondents have stopped supply of essential commodities to the petitioner on the ground that criminal case is registered against the petitioner. He further submits that the action of the respondents in stopping the supply of essential commodities to the petitioner without conducting any enquiry is illegal and arbitrary, and as such, prays this Court to direct the respondents to supply the essential commodities to the petitioner forthwith.

On hearing the learned counsel on both sides, this Court is of the view that even if criminal case is registered against the petitioner for violation of the Rules as per the Control Order, the respondents cannot unilaterally stop supplying the essential commodities to the petitioner without issuing any notice and without conducting any enquiry.

In view of the above, the writ petition is disposed of with a direction to the respondents to issue show cause notice to the petitioner and on receipt of the explanation from the petitioner, the respondents are directed to conduct enquiry and pass appropriate orders considering the explanation of the petitioner. The entire process shall be completed within a period of three months. Till then, the respondents are directed to supply the essential commodities to the petitioner without any interruption.

The writ petition is accordingly disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

23.04.2015

pln