

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29271 of 2015

ORDER:

The petitioner was appointed as permanent Fair Price Shop dealer of Marakuntapalli Village, Kothacheruvu Mandal, Anantapur District. The authorization of the petitioner is valid up to 31.03.2017. When the essential commodities were not supplied to the petitioner, the petitioner filed WP.No.26687 of 2014 and this Court by order dated 10.09.2014 disposed of the said writ petition with a direction to supply the essential commodities. While so, a show cause notice was issued to the petitioner on 18.08.2015 and the petitioner submitted his explanation on 25.08.2015. On 25.08.2015, an order of suspension of authorization was passed. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner submitted that the order of suspension itself is based on wrong premise as the shop was not inspected on 07.08.2015, and it was inspected on 04.08.2015 only.

This Court called for record from the office of the Revenue Divisional Officer and noticed that the copies of the register submitted by the Tahasildar showed the entries up to 04.08.2015. This fact should have been verified by the 2nd respondent before taking action, but he simply believed the version of the Tahasildar who submitted report based on the recommendation of the Deputy Tahasildar, Civil Supplies.

In the circumstances, since the impugned order of suspension was passed on wrong reports without application of mind, the order of suspension dated 25.08.2015 is set aside. But,

however liberty is given to the 2nd respondent to conduct enquiry in accordance with law after giving due opportunity to the petitioner and pass final orders within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

14th September, 2015

Tk/dv