

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 8268 of 2015

ORDER:

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Heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer of Pothuraju Kalva & Chakrayapeta Villages, Singanamala Mandal, Anantapur District on permanent basis. The authorization of the petitioner is valid upto 31.03.2015. While so, the third respondent inspected the shop of the petitioner on 18.02.2015 and found that the fair price shop was being run in the name of a benami person. Based on the report of the third respondent, the second respondent, by the impugned proceedings dated 12.03.2015, suspended the authorization of the petitioner on the ground that the fair price shop is being run by a benami person. Challenging the proceedings of the second respondent dated 12.03.2015, 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 12.03.2015 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, if any, shall stand disposed of. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Date:07.07.2015
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