

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.818 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies.

This Writ Petition is filed seeking to declare the action of the respondents in not restoring the authorization of the petitioner's fair price shop No.35, Ramakrishnapur Village, Mandamarri Mandal, Adilabad District, as illegal and arbitrary.

The petitioner is the fair price shop dealer of shop No.35, Ramakrishnapur Village. He has been working as a dealer for the last 20 years. His authorization is said to be valid up to 31.03.2014. While so, on 11.12.2013, the officials of the Vigilance Cell and Civil Supplies Department inspected the shop of the petitioner and found variation in the stock. In response to the show cause notice, the petitioner submitted explanation stating that at the time of inspection, she was admitted in the hospital due to ill-health and that she asked her sister to distribute the essential commodities to the card holders to avoid inconvenience. It is further stated in the explanation that the sister of the petitioner has not properly maintained the particulars of the sales in the sales register. However, the authorities registered a case under Section 6-A of the Essential Commodities Act and submitted a report to the

Joint Collector, Adilabad District. Pending disposal of the 6-A proceedings, the petitioner paid an amount of Rs.3,725/- towards value of the stock on 28.01.2014. The Joint Collector passed final order on 11.12.2014 confiscating 100% of the seized stock.

The grievance of the petitioner is that the departmental enquiry has to be completed within a period of 90 days and the authorization of the fair price shop dealer cannot be suspended indiscriminately.

In W.P.No.35003 of 2013, learned Single Judge of this Court by following some earlier judgments, took the view that the maximum period of suspension of the authorization of a dealer can be 90 days and if the proceedings are not concluded within 90 days, the suspension order has to be revoked or set aside.

Learned counsel for the petitioner submits that so far no enquiry is initiated.

In view of the same, the order suspending the authorization of the petitioner stands revoked and the petitioner shall be permitted to continue as fair price shop dealer for shop No. 35, Ramakrishnapur Village, Mandamarri Mandal, Adilabad District.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE R. KANTHA RAO

22nd January, 2015
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