

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.3156 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 3.

This Writ Petition is filed seeking to declare the action of the 2nd respondent in suspending the authorization of the petitioner's fair price shop No.2, Bheemgal Village & Mandal, Nizamabad District, as arbitrary and illegal.

The petitioner is the fair price shop dealer of shop No.2, Bheemgal Village & Mandal, Nizamabad District. On 10.09.2014 the Mandal Revenue Inspector inspected the fair price shop of the petitioner, verified the stock and found that there is variation of the stock and records were properly not maintained and seized 6.04 quintals of rice, 535 liters of kerosene oil, 46 pouches of sugar and 35 pouches wheat atta by conducting a panchanama. Based on the said report, the 2nd respondent-Revenue Divisional Officer, Nizamabad, passed order dated 10.09.2014, suspending the authorization of the petitioner. Thereafter, show

cause notice dated 24.01.2015 was issued to the petitioner, for which she submitted her explanation. But, the respondents neither conducted any enquiry nor passed orders on the explanation submitted by the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is running the said fair price shop for the last 16 years without any complaint and the alleged variation is ignorable.

Obviously, the authorization of the petitioner was suspended for an indefinite period, which is unsustainable in law.

Under these circumstances, the Writ Petition is disposed of suspending the impugned order dated 10.09.2014 and the respondents are directed to supply essential commodities to the fair price shop of the petitioner. However, this order does not preclude the competent authority to conduct enquiry into the allegations levelled against the petitioner and passing final orders. There shall be no order as to costs.

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

JUSTICE R. KANTHA RAO

18th February, 2015
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Note: Issue CC by two days.