

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.36263 OF 2015

ORDER :

Heard learned counsel for petitioner and learned Government Pleader for the respondents.

2. The petitioner was appointed as a Fair Price Shop Dealer in respect of shop No.811, Habbeb Fatima Nagar, Borabanda, Hyderabad, and the authorization is valid up to 31.03.2017.

3. While so, on 25.05.2015 the checking inspector of the office of the Sr.C.I., Circle-VII, Hyderabad inspected the fair price shop of the petitioner and found that a benami person was running the fair price shop instead of the petitioner. Based on the same, a report was submitted to the 2nd respondent, who thereafter issued a show cause notice to the petitioner on 25.05.2015. On the same day, the authorization of the petitioner was suspended pending enquiry while tagging on the subject fair price shop ration cards to nearby fair price shop in order to avoid inconvenience to the card holders.

4. Challenging the said order, the present Writ Petition is filed.

5. The petitioner was running the fair price shop for the last 35 years and his authorization was renewed from time to time and lastly it was renewed upto 31.03.2017. The authorization of the petitioner was suspended pending enquiry on the ground that on the date of inspection, the fair price shop was being run by a benami and not by the petitioner.

6. When the fair price shop is not being run by the dealer, this Court is of the opinion that the said allegation can be enquired into even

without canceling the authorization inasmuch as there is no scope for tampering the records during the course of enquiry.

7. In the circumstances, suspension of authorization of the petitioner by impugned order dt.25.05.2015 is set aside. Since the petitioner has already submitted his explanation on 05.06.2015, 2nd respondent is directed to conduct an enquiry into the allegation leveled against the petitioner and complete the same by duly observing the principles of natural justice and thereafter pass appropriate orders, within a period of three (03) months from the date of receipt of a copy of this order.

8. The Writ Petition is allowed to the extent indicated above. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

06th November, 2015.

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