

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18425 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. With the consent of parties, the Writ Petition is being disposed of at the stage of admission.

The Writ Petition is filed challenging the inaction of the first respondent, in disposing of the stay petition, along with the appeal, filed against the order dated 15.04.2015 passed by the second respondent, as illegal and arbitrary.

The petitioner was appointed as a permanent fair price shop dealer of F.P.Shop No.28, which was changed as shop No.59, Indrampalli Village, Dhone Mandal, Kurnool District. The authorization of the petitioner is valid as on today. While so, on 19.03.2015, the Mandal Revenue Inspector inspected the shop of the petitioner, and noticed some variation. The third respondent, passed an order on 01.04.2015, directing the incharge dealer to lift the essential commodities allotted to the petitioner. The said order was challenged in W.P.No.11801 of 2015. This Court, by order dated 22.04.2015, suspended the order dated 01.04.2015 and directed the second respondent to supply essential commodities to the petitioner. Thereafter, the petitioner approached the third respondent and served a copy of the order dated 22.04.2015 and he served a copy of the order of the second respondent dated 15.04.2015. Based on the report of the Tahsildar, Krishnagiri, suspending the authorisation of the petitioner on the ground of variation in stock, 6A proceedings were initiated against the petitioner. Against the impugned order

dated 15.04.2015, the petitioner preferred an appeal to the first respondent along with stay petition. Neither the stay petition nor the appeal was disposed of by the first respondent. Hence, the Writ Petition.

This Court perused the allegations against the petitioner which included variation of stock. In the facts and circumstances, this Court is not inclined to interfere with the order passed by the second respondent dated 15.04.2015 at this stage as enquiry has to be conducted by the second respondent in respect of the allegations levelled against the petitioner. The petitioner is given liberty to submit his explanation within one week from the date of receipt of a copy of this order. The second respondent is directed to complete the enquiry, duly observing the principles of natural justice, within a period of thirty days thereafter. Needless to mention that, in view of this order, the appeal before the first respondent has become infructuous.

The Writ Petition is, accordingly, disposed of.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:24.06.2015

Note:CC tomorrow

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