

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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WRIT PETITION No.15326 of 2015

ORDER:

The petitioner is appointed as a permanent fair price shop dealer of shop No.28, Channapanayunipalli Village, Chandrasekharapuram Mandal, Prakasam District. While so, the fourth respondent submitted a report to the third respondent on 08.04.2015. Pursuant to which, a show cause notice was issued to the petitioner on 18.04.2015. The sole charge, mentioned in the show cause notice, reads as follows:

“Charge No.1: As per the report of the Enforcement Deputy Thasildar, Kanigiri, dated 08.04.2015, that in his enquiry made in the village that without giving the commodities to the non-residing 31 cardholders in the village, but mentioned in the sales registers as if given to them there by diverted 16.81 quintals of rice, 83.50 kgs of sugar, 31 packets under the scheme of Chandranna Sankranti Kanuka and 273 liters of Kerosene oil and thereby you have violated the Control Orders and hence why your authorization should not be cancelled and recover the money from you.”

After receipt of show cause notice, the petitioner filed a petition asking for copies of enclosures mentioned in the show cause notice and, after receipt of the same, the impugned order was passed by the third respondent on 15.05.2015. Challenging the same, the present Writ Petition is filed.

The third respondent did not choose to suspend the dealership of the petitioner initially at the time of issuing show cause notice but when the petitioner asked for information, he appears to have been enraged by the attitude of the petitioner and issued the impugned order suspending the dealership pending further proceedings. When the third respondent did not choose to suspend the dealership on the ground alleged in the show cause notice initially, what prompted him to issue the orders of suspension at a belated stage on 15.05.2015 is not known.

In the circumstances, the impugned proceedings dated 15.05.2015 are

set aside. However, this will not prevent the third respondent from enquiring into the allegation against the petitioner for which purpose the petitioner is given liberty to file an explanation within fifteen days from the date of receipt of a copy of the order. After considering the explanation and verifying the record and conducting an enquiry, the third respondent shall pass an appropriate order within a period of sixty days thereafter.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions pending, if any, shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:02.06.2015

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