

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.18652 of 2015

ORDER:

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

The petitioner was appointed as a fair price shop dealer at G.Kondareddypalli Village, Varikuntapadu Mandal in SPSR Nellore District. While so, a show cause notice was issued on 08.01.2015, in response to which the petitioner submitted her explanation on 23.01.2015. After considering the explanation, the third respondent suspended the authorisation of the petitioner by order dated 04.02.2015. Against the same, the petitioner preferred an appeal to the second respondent, who allowed the appeal by imposing a penalty of Rs.5,000/- on the petitioner. Again the authorisation of the petitioner was suspended on 03.06.2015, challenging which the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the present suspension of authorisation is based on the selfsame grounds of the earlier proceedings. Now the present proceedings are issued on the ground that the petitioner is running her shop through a benami, by name K.Malakonda Reddy, who is the relative of the dealer.

The earlier show cause notice also contains the same allegation. However, this Court feels that the allegation with regard to the running of shop by benami can be enquired into without suspending the authorisation also.

In the circumstances, the impugned order dated 03.06.2015, to the extent of suspending the authorisation of the petitioner, is set aside and the third respondent is directed to conduct an enquiry after receipt of explanation from the petitioner in respect of the allegations levelled in the

impugned order. It appears that no show cause notice was issued after the impugned order dated 03.06.2015. If the third respondent thinks that an enquiry is needed, he shall issue a show cause notice, invite explanation from the petitioner and conduct the enquiry in accordance with law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

24.06.2015

vs